

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 262 of 2015  
WITH  
CRIMINAL REVISION APPLICATION NO. 263 of 2015

Vijay B. Patil .. Applicant  
v/s.  
The State of Maharashtra & Anr. ..Respondents

Mr. S.G. Rajput for the applicant  
Mr. W.S. Rane i/b Paras N. Vira for the respondent no.2  
Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 14<sup>th</sup> OCTOBER, 2015.**

**P.C.**

1. Heard the learned Counsel for the applicant and respondents. The learned Counsel for the applicant has submitted that he has complied with the conditions imposed in the order dated 13<sup>th</sup> August, 2015. The respondent no.2 complainant is present. He has confirmed having received the entire amount as stated in the order dated 13<sup>th</sup> August, 2015. He has submitted that he has no objection if the offence is compounded.

2. In view of the decision of the Apex Court in the case of *Damodar S. Prabhu Vs. Sayed Babala H. (2010)5 SCC 663*, the

applicant is liable to pay costs of 15% of the cheque amount to the State Legal Services Authority. The learned Counsel for the applicant submits that the applicant is not in a financially sound condition to pay 15% of the cheque amount and has prayed to take lenient view. Considering the said statement, in my view, it would be just and fair to direct the applicant to pay Rs.20,000/- to the Maharashtra State Legal Services Authority.

3. Under the circumstances and in the light of the statement made, leave is granted to compound the offence. Consequently, the impugned orders dated 03.05.2013 passed by the learned Metropolitan Magistrate, 50<sup>th</sup> Court, Vikhroli, Mumbai and the orders dated 18.04.2015 passed by the Sessions Court are quashed and set aside. The applicant accused is acquitted of offence under Section 138 of the Negotiable Instrument Act. Bail bonds stand discharge. The applicant is directed to pay costs of Rs.20,000/- to Maharashtra State Legal Services Authority within a period of four weeks from the date of receipt of a copy of this order. Cost is condition precedent.

4. The Criminal Applications are disposed of accordingly.

**(ANUJA PRABHUDESSAI, J.)**