

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

CRIMINAL REVISION APPLICATION NO. 440 OF 2015

Punjiram Rewabhai Rathod .. Applicant

v/s.

Narayan Datta Sharma ..Respondent

Mr. Punjiram R. Rathod, applicant in person present

Mr. Narayan D. Sharma, respondent in person

Mr. H.J. Dedhia, APP for the respondent State

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd OCTOBER, 2015.

P.C.

1. The parties herein have settled the dispute amicably and filed consent terms dated 17.10.2015, which are reproduced and were accepted and taken on record vide order dated 17.10.2015. Since the last installment amounting to Rs.37,500/- was paid vide Cheque dated 17.10.2015 and since the cheque was not cleared, the case was adjourned for today.

2. The complainant respondent submitted that the cheque dated 17.10.2015 towards the last installment has been cleared

and that he has received the said amount. The applicant who is present before the Court has also given an undertaking to withdraw all the cases filed by him against the respondent no.1, which are coming up for hearing by the learned Magistrate on 30th October, 2015. The applicant and the respondent no.1 have settled the dispute amongst them amicably and have prayed that leave may be granted to compound the offence.

3. In the light of the said statement and in view of the terms filed by the parties on 17.10.2015, which are reproduced in the order dated 17.10.2015, the parties are permitted to compound the offence. Consequently, the conviction and sentence imposed by the learned Magistrate vide order dated 29.12.2014 in SCC 12104 of 2008 and confirmed by the appellate Authority vide order dated 02.09.2015 in Criminal Appeal No. 14 of 2015 are hereby quashed and set aside, subject to applicant to pay cost of 15% of the Cheque amount to the Maharashtra State Legal Services Authority.

4. At this stage, the applicant submits that he had filed an application stating that he is under tremendous financial crises and is heavily burdened. He, therefore, prays that to reduce the cost amount.

5. Considering the financial position of the applicant, in my view this is a fit case for taking lenient view. Hence, instead of directing the applicant to pay 15% of the cheque amount towards cost, he is directed to pay Rs.5,000/- to the Maharashtra State Legal Services Authority within a period of 2 weeks from the receipt of the copy of this order.

6. The Criminal Revision Application is disposed of.

(ANUJA PRABHUDESSAI, J.)