IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1309 OF 2014

Umesh Mahabala Shetty .. Applicant

Versus

Mrs. Pushpa G. Keswani & Anr. .. Respondents

Mr. Ashish J. Dubey i/b A. K. Dubey, Advocate for the applicant.
Mr. R. L. Gurnani, Advocate for the respondent No. 1.
Smt. P. P. Bhosale, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI,J.
DATED : -22/01/2015

P.C.

This is an application u/s 482 of Cr. P.C., filed by original accused in Criminal Case No. 652/SS/2009. He was convicted for the offence punishable u/s 138 of Negotiable Instruments Act. He was sentenced to suffer simple imprisonment for a period of one month and to pay compensation of Rs.1,10,000/- to the complainant, who is respondent No. 1 in the present application. There was a revision application filed before the

Sessions Court against the said order. The revision application has been dismissed. After dismissal of the revision application, the applicant and the respondent No. 1 have settled the dispute out of Court. The applicant, therefore, prays for quashing the conviction recorded by the learned Magistrate declaring that the offence has been compounded.

2 Respondent No. 1, Mrs. Pushpa G. Keswani and her learned advocate Mr. Gurnani are present and they have submitted that they have no objection for declaring that the offence has been compounded. In view of the contents of the application and the statement made by respondent No. 1 and her learned advocate Mr. Gurnani, I pass the following order:

The offence punishable u/s 138 of Negotiable Instruments Act, stands compounded. The applicant stands acquitted of the offence punishable u/s 138 of the Negotiable Instruments Act. The bail bond, if any of the applicant shall stand cancelled.

At this stage it may be mentioned here that the respondent No. 1 has been paid outside the court and she has no

grievance against the applicant and she does not have any claim over the amount deposited by the applicant in the trial Court or in the revisional Court. In view therefore, it is directed that the amount, if any, deposited by the applicant in the trial Court or in the revisional Court shall be refunded to him.

The application stands disposed of.

(JUDGE)

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