IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.

Criminal Revision Application No. 197 of 2016
With
Criminal Revision Application No. 198 of 2016

District : Jalna

Sagiruddin s/o. Osmanuddin Siddiqui,
Age : 76 years,
Occupation : Agriculture,
R/o. Tembhurni,
Taluka Jafrabad,
District Jalna. .. Applicant.

versus

1. Gajanan s/o. Eknath Domale,
   Age : 40 years,
   Occupation : Service,
   R/o. Tembhurni,
   Taluka Jafrabad,
   District Jalna.

2. The State of Maharashtra. .. Non-applicants.

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Parties in both Revision Applications are same.

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Mr. Mobin H. Shaikh, Advocate, for the applicant.

Mr. R.M. Shaikh, Advocate, for the non-applicant no.01.

Mr. K.S. Hoke Patil, Addl. Public Prosecutor, for the non-applicant no.02.

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CORAM : Z.A. HAQ, J.

DATE : 19TH DECEMBER 2016

ORAL ORDER:

Heard.

02. The learned Advocates for the applicant (accused) and the non-applicant no.01 (complainant) have submitted that the parties have amicably worked out the matter and the complainant does not have any grievance against the accused. The learned Advocates have submitted, on instructions from the parties, who are present in the Court and identified by the learned Advocates that the judgment passed by the Sessions Court directing the applicant to undergo simple imprisonment for one month and pay compensation of Rs. 2,05,000/- to the complainant, be set aside. It is submitted that the fine of Rs. 10,000/-, as ordered by the learned Magistrate, is deposited before trial Court on 29.03.2012.

03. Accepting the submissions made on behalf of the applicant and the non-applicant no.01, specially that the amount of fine of Rs. 10,000/- is deposited before the trial Court and considering the facts of the case, the orders passed by the Addl. Sessions Judge in Criminal Appeal No. 26/2012 and Criminal Appeal No. 01/2014 on 17th June 2016, are set aside.

The conviction of the applicant for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 is set aside. The applicant (accused) is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The amount of fine deposited by the applicant before the trial Court may be treated as amount of costs paid by the applicant to the non-applicant no.02 - State of Maharashtra.

04. Both Revision Applications are disposed in the above terms.

(Z.A. HAQ)
JUDGE

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