

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**916 CRIM.L REVISION APPLICATION
NO. 255 OF 2016
WITH
APPLN/6134/2016
IN
REVN/255/2016**

MANOJ S/O ATMARAM BHAVASAR

VERSUS

THE NAVI PETH URBAN CO-OPERATIVE

.....

Mr. V.B.Patil, Advocate for Applicant.

Mr. A.I.Deshmukh, Advocate for Respondent.

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CORAM : Z.A.HAQ, J.

DATE : 20th DECEMBER, 2016

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ORAL ORDER :

01. The applicant has filed an affidavit sworn on 20/12/2016 stating that an amount of Rs. 20,000/- is paid to the non-applicant/Society on 16/12/2016. Along with the affidavit, photo copy of the receipt dated 24/11/2016 acknowledging the

receipt of amount is filed. The learned Advocate for non-applicant/Society does not dispute the above facts.

02. The cheque which was given by the applicant to the non-applicant and which was dishonoured for Rs. 24,000/-. Undisputedly, the applicant had paid an amount of Rs. 10,000/- earlier and now Rs. 20,000/- is paid to the non-applicant/Society. The learned Advocate for the Society, on instructions, states that the grievance of the non-applicant/Society does not survive as the amount is received by it.

In view of the above, the following order is passed :

[i] The conviction of the applicant for the offence punishable u/s 138 of the Negotiable Instruments Act is set aside.

[ii] The Judgment passed by the Sessions Court in Criminal Appeal No. 41 of 2005 on

01/10/2011 is set aside.

[iii] The Judgment passed by the learned Magistrate, Jalgaon in S.C.C. No. 3540/2003 on 08/04/2005 is set aside.

[iv] The applicant is acquitted of the offence punishable u/s 138 of the Negotiable Instruments Act.

[v] The Criminal Revision Application is disposed of in the above terms.

[vi] In the circumstances, the parties to bear their own costs.

[Z.A.HAQ, J.]