

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

**913 CRIM. APPLICATION NO. 6810 OF 2016
IN
REVN/261/2016
WITH
REVN/261/2016
WITH
APPLN/6554/2016
IN
REVN/261/2016**

DAMODAR S/O DATTOPANT KULKARNI

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Mr. S.G.Kawade, Advocate for Applicant.

Mr. K.S.Hoke Patil, A.P.P. for R -1 – State.

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CORAM : Z.A.HAQ, J.

DATE : 20th DECEMBER, 2016

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ORAL ORDER :

01. Heard Mr. S.G.Kawade, learned Advocate for the applicant and Mr. K.S.Hoke Patil, learned A.P.P. for non-applicant No. 1 – State.

02. The learned Advocate for the applicant states that there is compromise between the parties and amount of Rs. 7,50,000/- is paid to the non-applicant No. 2 [complainant]. The learned Advocate for non-applicant No. 2 does not dispute this fact.

03. As per the impugned Judgment, the applicant was directed to pay the amount of fine of Rs. 6 Lakh as compensation, out of which Rs. 5 Lakh was to be given to the complainant. Thus, according to the impugned Judgment, Rs. 1 Lakh was required to be deposited before the trial Magistrate. The applicant has filed an affidavit sworn on 20/12/2016 and along with it Demand Draft dated 13/12/2016 and copy of relevant extract of local dispatch book of the trial Court are filed and it is submitted that the amount of Rs. 1 Lakh is deposited before the trial Court.

04. Considering the above facts, the impugned Judgment convicting the applicant for the offence punishable u/s 138 of the Negotiable Instruments Act

is quashed. The impugned Judgment is set aside.

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

06. The Criminal Revision Application is disposed of in the above terms.

07. In the circumstances, the parties to bear their own costs.

[Z.A.HAQ, J.]