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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1224 OF 2016  
ALONG WITH  
CRIMINAL WRIT PETITION NO. 1225 OF 2016  
ALONG WITH  
CRIMINAL WRIT PETITION NO. 1226 OF 2016  
ALONG WITH  
CRIMINAL WRIT PETITION NO. 1227 OF 2016

Pratap Pednekar ..Petitioner.  
Vs  
The State of Maharashtra & Anr ..Respondents.

Mr H.S. Yadav i/by R.J.Rathod for the petitioner.  
Smt. S.V.Gajare, APP for the Respondent-State.  
Mr A.R.Bubere for the Respondent No.2.

CORAM : A.S.GADKARI, J.  
DATE : 7<sup>th</sup> April, 2016

PC.

1) The petitioner and the respondent no.2 have compounded the offence under Section 138 of the Negotiable Instruments Act and has filed the Consent Terms dated 16.3.2016. As per the Consent Terms all the criminal complaints have been compounded which are the subject-matter in the aforesaid writ petitions and the petitioner herein had agreed to pay a lump sum amount of Rs.7,00,000/- to the respondent No.2. The record further discloses that the respondent no.2 has already received an amount of Rs. 7,00,000/-. He has also executed a receipt to that effect dated 16.3.2016 which is annexed to the present petitions.

2) In view of the judgment of the Supreme Court reported in the case of Damodar S. Prabhu Vs Sayed Babalam H. reported in 2010 (5) SCC 663 this Court had directed the petitioner to deposit 10% of

the compounded amount in the Registry of this Court within a period of two weeks from 23.3.2016. The learned counsel for the petitioner today has produced the receipt dated 4.4.2016 along with the acknowledgement endorsed by the Registry in that behalf. The petitioner has deposited a sum of Rs.70,000/- in the Registry of this Court towards the cost of settlement in view of the guidelines issued by the Supreme Court.

3) In view of the above, the petitioner and the respondent no.1 are permitted to compound the offence under section 138 of the Negotiable Instruments Act and the conviction and sentence imposed on the petitioner under section 138 of the Negotiable Instruments Act in all aforesaid four cases by the learned Trial Court and upheld by the Appellate Court is hereby quashed and set aside and the writ petitions are allowed in terms of prayer clauses (b) and (c).

4) As far as the costs deposited by the petitioner in the Registry of this Court by way of Pay Order, dated 4.4.2016, is concerned, the Registry is hereby directed to transfer the said amount and in favour of the Maharashtra State Legal Services Authority, 105, High Court (P.W.D.) Building, First Floor, Fort, Mumbai 400-032, within a period of four weeks from the date of this order. The said cost be accepted by the Maharashtra State Legal Services Authority as the cost imposed upon the petitioner in the present writ petitions.

5) The petitions are allowed in the aforesaid terms.

(A.S.GADKARI, J.)