

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION ST.NO.25 OF 2017**

Ekhnath Hari Khatkar .. Applicant.

Vs.

Godavari Sugar Mills Ltd. & Anr. .. Respondents.

Mr.Paras Yadav for the Applicant.

Mr.P.H. Gaikwad APP for the Respondent-State

Mr. Kalpesh Patil for Respondent No.1.

**CORAM : A. K. MENON, J.**

**DATED : 20TH JUNE, 2017**

**P.C. :**

1. In this revision application the applicant has challenged the order dated 3rd May, 2016 passed by the learned Sessions Judge, Kolhapur questioning the judgment, sentence and findings of the learned Judicial Magistrate, First Class, in Summary Criminal Case No.491 of 2007. The Magistrate convicted the applicant under Section 138 of the Negotiable Instruments Act and sentenced the applicant to suffer simple imprisonment for one month with further direction to pay compensation amounting to Rs.54,546/- in default of payment of compensation the applicant to under go simple imprisonment for 15 days.

2. The Sessions Court vide order dated 3rd May, 2016 dismissed the

Criminal Appeal. Now the parties have tendered consent terms and state that entire amount of compensation of Rs.54,546/- has been paid over. The parties have also filed affidavit dated 20th June, 2017 of the authorised signatory of the complainant, who has confirmed receipt of total amount of Rs.54,546/-. The consent terms are dated 15th June, 2017.

3. In view of the aforesaid settlement and in the interest of justice the above application is disposed of in terms of the consent terms. Accordingly, I pass the following order :

- (i) The Revision application is allowed in terms of the consent terms.
- (ii) The complainant having confirmed receipt of the amount of the settlement and the offence having been compounded, the applicant is acquitted.
- (iii) The applicant be released on bail.
- (iv) The impugned order dated 3rd May, 2016 and 14th January, 2011 are quashed and set aside.
- (v) The applicant shall pay cost of Rs.1,000/- to the State Legal Services Authority.

**(A.K. MENON, J.)**