

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

CRIMINAL APPLICATION NO. 633 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 149 OF 2011
WITH
CRIMINAL REVISION APPLICATION NO. 149 OF 2011

Mr. Dilip Houshinath Pokharkar. ..Applicant.

v/s.

The State of Maharashtra & anr. ..Respondents.

Mr. Sachin Chandrakant Daswadik a/w. Ms. V. Patekar, advocate for applicant.

None for respondent.

Mr. S.S. Hulke, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 23, 2020.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application seeking restoration of the Criminal Revision Application which was dismissed for non-compliance of the order dated 28/2/2017.

3 The learned Counsel for the applicant submits that in fact, the complainant and the applicant happens to be the

Talwalkar

brothers. That on 11/5/2011, the parties to the Revision Application had appeared before the vacation Judge (Coram : Mrs. Mridula Bhatkar, J(retired)). In the order dated 11/5/2011 it is noted by the Court that the applicant and the original complainant are real brothers and both the parties have settled the matter amicably. That the parties have agreed to certain terms and conditions as stated by learned Counsel for the applicant and the complainant submitted before the Court. Presence of the original complainant is marked. It is further noted that he has confirmed the terms and conditions of the consent terms. It is pertinent to note that the matter was not disposed of on 11/5/2011. However, bail was granted and the revision application remained pending.

4 It is seen that the order dated 11/5/2011 has been torn rather pulled of from restoration application. However, today, the order is taken on record and marked as Article “X” for the purpose of identification.

5 On 28/2/2017 none appeared for the applicant and therefore, conditional order was passed by this Court (Coram : A.M. Badar, J) and it was noted that despite the order dated 15/4/2016, the applicant has not furnished address of the respondent No. 2. The applicant was directed to furnish address

within one week and upon failure, the matter would stand dismissed for want of prosecution without further reference to the Court. In view of the same, the matter has been dismissed.

6 The very fact that the parties have settled the matter amicably, there is no reason for keeping the matter pending.

7 In view of this, the matter deserves to be restored to its file. The application is allowed. Revision Application is restored to its file.

8 The Revision Application deserves to be disposed of as the issue has been settled between parties. In any case, an offence under section 138 of the Negotiable Instruments Act is a compoundable offence and the parties are at liberty to compound the offence. In view of the composition of the offence, Revision Application stands disposed of.

[SMT. SADHANA S. JADHAV, J.]