

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

**CRIMINAL REVISION APPLICATION ST.NO.198 OF 2017
WITH
CRIMINAL APPLICATION NO.183 OF 2017 IN CRA 198/2017**

Dashrath @ Hari Nivrutti Aiwale .. Applicant.

Vs.

Anil Dattatraya Patil & Anr. .. Respondents.

Mr. Viresh V. Purwant for the Applicant.

Ms. Prashant Karia for Respondent no.1.

Ms.M.R. Tidke APP for the Respondent-State.

CORAM : A. K. MENON, J.

DATED : 11TH JULY, 2017

P.C. :

1. Both counsel state that the parties have arrived at a settlement. The revision application arises out of the order passed by the J.M.F.C. convicting the applicant in respect of offence under Section 138 of the Negotiable Instruments Act. An appeal filed before the Additional Sessions Judge, Pandharpur was rejected. Both sides state that the amount in question was Rs.15,000/- which amount has been paid over.

2. There was delay of 30 days in filing the criminal revision application. In the circumstances learned counsel for the applicant submits that the delay may be condoned and revision application may be disposed of in view of the settlement.

3. It is further submitted that the complainant has filed an affidavit dated 27th June 2017. The affidavit has been affirmed by the Assistant Registrar

of this Court and it seem to be explained by the deponent on the record. In the affidavit it is stated that the matter has been amicably settled and he has no objection if the conviction and sentence awarded are set aside and the applicant is released.

4. It is now not in dispute that the applicant is in custody. In the circumstances the offence being compoundable it is submitted that the revision application may be allowed. Learned counsel for respondent no.1 submits that the applicant could not remain present today as he is in Yerwada prison and his presence may be dispensed with.

5. In view of the statement when the contents of the affidavit and presence of the Respondent No.1 is dispensed with. I therefore pass the following order :

(i) Criminal Application No.183 of 2017 is made absolute in terms of prayer clauses (a) and (b). Delay is condoned.

(ii) The above Revision Application is allowed and the orders dated 1st October, 2007 passed by the J.M.F.C. Mangalwedha and the order dated 8th January, 2016 passed by the Additional Sessions Judge, Pandharpur are hereby quashed and set aside.

(iii) The applicant is acquitted of the offence and shall be released from Yerwada jail forthwith.

(iv) No costs.

(v) Parties including the jail authorities to act on an authenticated copy of this order.

(A.K. MENON, J.)