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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.353 OF 2016

Vitthal Mahadeo Raste

... Applicant

vs.

Surekha Bhalchandra Kamble & Anr.

... Respondents

Mr. Sachin Deokar i/b. Vikrant V. Phatale for the Applicant.

Mr. Prashant Kamble for Respondent no.1.

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

CORAM : A.K. MENON, J.

DATED : 4th JULY, 2017

P.C.

1. By this revision application, the applicant seeks to challenge the impugned order dated 22nd March, 2016 passed by the Sessions Court dismissing Criminal Appeal no.24 of 2008 and thereby upholding the conviction of offence under Section 138 of the Negotiable Instruments Act and the complaint was in relation to a cheque for Rs.35,000/- which was dishonored. The original complainant and the respondent have arrived at a settlement. The original complainant is present in Court and filed an affidavit confirming the order of the trial Court. Affidavit is taken on record and marked "X" for identification. The entire amount was paid and the pursis filed before the Lok Nyayalaya presided over by the District Judge, Pandharpur with Criminal Appeal no.25 of 2008. The

original complainant is present in Court. She confirms having received the entire amount of compensation and having signed the pursis before the lower Court.

2. In view of the fact that the matter is now settled and the offence is compoundable, the above revision application can be disposed of by passing the following order:-

(i) Revision application is allowed.

(ii) In view of the statements in the evidence of affidavit dated 4th July, 2017, the conviction and sentence by the District Judge, Pandharpur in criminal appeal no.24 of 2008 and the Judicial Magistrate First Class, Sangola in S.T.C. no.635 of 2004 are set aside and the applicant is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.

(iii) The costs quantified at Rs.3000/- shall be paid to the Maharashtra State Legal Services Authority within a period of one week from the date this order is uploaded. If costs are not paid the impugned order will revive without further orders of this Court.

(iv) Parties to act on an authenticated copy of this order.

(v) Stand over to 12th July, 2017 for compliance.

(A. K. MENON, J.)