

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.336 OF 2011

SUBHASH DATTATRAYA GAIKWAD)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.Ravi Kadam, Advocate for the Applicant.

Mr.Lalit S. Khamkar, Advocate for Respondent No.2.

Mr.A.D.Kamkhedkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th NOVEMBER 2017

P.C. :

1 The learned advocate appearing for the revision petitioner/accused as well as respondent no.2 Shripati Pharande – original complainant have tendered Consent Terms across the bar. Consent Terms are taken on record and marked Exhibit “X” for the purpose of identification.

2 The learned advocate appearing for the revision petitioner/accused as well as respondent no.2 Shripati Pharande – original complainant have unanimously stated that the dispute between the revision petitioner/accused and respondent no.2 / original complainant is settled out of court and respondent no.2 has withdrawn the amount of Rs.30,000/- deposited by the revision petitioner/accused in the trial court.

3 Respondent no.2 Shripati Pharande is present before the court and he is duly identified by the learned advocate Shri L.S.Khamkar. Upon being asked, respondent no.2 Shripati Pharande has stated before the court that the matter is amicably settled and he has received an amount of Rs.30,000/-. He further stated that he does not want to prosecute the complaint filed by him and the revision petitioner/accused be acquitted of the offence.

4 Respondent no.2 had filed a complaint alleging offence punishable under Section 138 of the Negotiable Instruments Act.

It was decided on 19th September 2008 by the learned JMFC, Wai, and the revision petitioner/accused was convicted for the said offence and he is sentenced to suffer two months simple imprisonment apart from payment of compensation of Rs.30,000/-. The appeal filed by the revision petitioner/accused bearing no.136 of 2008 came to be dismissed by the learned Additional Sessions Judge, Satara, on 24th June 2011.

5 As the parties have compromised and settled the matter and as the learned APP is also not having any objection, the following order :

ORDER

- i) The revision petition is disposed of in terms of Consent Terms Exhibit “X” tendered on record today by the parties.
- ii) In view of Consent Terms at Exhibit “X” the impugned judgment dated 19th September 2008 passed by the learned JMFC, Wai, in Summary Criminal Case No.339 of 2006 and the judgment dated 24th June 2011 passed by the learned Additional Sessions Judge, Satara, in Criminal Appeal No.136

of 2008 are quashed and set aside.

iii) The revision petitioner/accused is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act. His bail bonds stand cancelled.

iv) Revision Petition is accordingly disposed of.

(A. M. BADAR, J.)