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

**CRIMINAL REVISION APPLICATION NO. 632 OF 2017
WITH
CRIMINAL APPLICATION NO.601 OF 2017
AND
CRIMINAL APPLICATION NO. 602 OF 2017**

Ashok Maruti Awati

... Applicant

V/s.

Omkar Nagari Sahakari Patsantha Maryadit,
Miraj & Anr.

... Respondents

Mr. Datta Mane, for Applicant, APP for State.
Mr. Ashish Raghuwanshi for Respondent No.1.
Mr. R.M. Pethe, APP for Respondent No.2/State.

**CORAM : A.S.GADKARI, J.
DATE : 15th DECEMBER 2017.**

P.C.:

1] Heard the learned Counsel for the applicant, the learned Counsel for the respondent No.1 and the learned APP for respondent No.2/State.

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate First Class, Miraj in

Summary Criminal Case No.497 of 2008 by its Judgment and Order dated 10th June 2010 and has been directed to undergo sentence of 3 months imprisonment and to pay fine of Rs.20,000/-. Criminal Appeal No.205 of 2010 preferred by the applicant has been dismissed by the learned Special Judge and Additional Sessions Judge-2, Sangli by its Judgment and Order dated 5th April 2017.

3] The learned Counsel for the applicant and the learned Counsel for the respondent No.1 submitted that, after the dismissal of the appeal preferred by the applicant, the parties have amicably settled the matter and in furtherance of the said settlement, the respondent No.1 has received the entire amount. An affidavit on behalf of the respondent No.1, duly affirmed by its authorized Officer dated 28th November 2017 has been tendered in the Court. The authorized signatory of the said affidavit namely Shri Samarth K. Athawale is personally present in the Court and conceded to the fact of affirming of the said affidavit.

4] In view of the above, the impugned Judgment and Order dated 10th June 2010 passed by the learned Judicial Magistrate First Class, Miraj in Summary Criminal Case No.497 of 2008 and the Judgment and Order dated 5th April 2017 passed by the Special Judge and Additional Sessions

Judge-2, Sangli in Criminal Appeal No.205 of 2010 are hereby quashed and set aside. As a consequence thereof, warrants, if any, issued therein are cancelled.

5] In view of the Order passed in Criminal Revision Application No.632 of 2017, Criminal Application Nos. 601 of 2017 and 602 of 2017 do not survive and the same are accordingly disposed off.

(A.S.GADKARI, J.)