

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPR) NO.70 OF 2017

IN

CRIMINAL REVISION NO.183 OF 2016

(Waman s/o Ganpatrao Bhoyar ..vs.. Mahesh s/o Radheshyam Agrawal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.D. Shukla, Advocate for the applicant,
Shri O.S. Harwani, Advocate for the non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 03-05-2017

This application is filed for grant of permission to compound offence punishable under Section 138 of the Negotiable Instruments Act. Applicant/original accused and non-applicant/complainant are present and have accepted the contents of application filed for compounding as aforesaid.

It is found that this revision is preferred by original accused challenging the order of his conviction passed by learned trial Court, which is upheld by the appellate Court wherein applicant is awarded six months simple imprisonment and is directed to pay compensation of Rs.70,000/-. The substantive sentence imposed upon applicant is found suspended on the condition that he would make payment of Rs.35,000/- with the registry of this Court. Admittedly, accused/applicant has paid entire amount of compensation of Rs.70,000/- and application for

withdrawal of same amount is filed by the complainant vide Criminal Application No.6/2017, which is allowed.

In that view of the matter and since applicant does not want to proceed with the present revision application, application is liable to be allowed by allowing the matter to be compounded.

Criminal application is allowed. In the circumstances, Criminal Revision No.183/2016 stands disposed in terms of the above application. The sentence imposed upon the applicant as aforesaid stands quashed and set aside.

Criminal Application (APPR) No.6/2017.

This is an application for permission to withdraw amount of Rs.70,000/- deposited by the applicant/accused. It is found that amount of Rs.35,000/- is deposited with the registry of this Court while amount of Rs.35,000/- is deposited before the District Court, Nagpur. Since the matter is compounded between the parties and as the applicant has no objection for allowing to withdraw said amount by complainant, application is allowed and disposed of.

JUDGE

adgokar