

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO.47 OF 2017
IN CRIMINAL REVISION APPLICATION NO.105 OF 2016
(Shyam s/o Deoraoji Gadre vs. The State of Maharashtra and another)

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

Shri V.S. Giramkar, Advocate for applicant.
Shri P.S. Tembhre, Additional Public Prosecutor for
respondent no.1.
Shri R.J. Gavai, Advocate for respondent no.2.

CORAM : P.N. DESHMUKH, J.

DATED : APRIL 17, 2017

By this application, applicant, who is present in person and Power of Attorney Holder of respondent no.2 have prayed for permission to compound the matter as same is finally settled between them out of Court.

It is found that respondent no.2 in his capacity as original complainant had initiated proceedings against applicant under the provisions of Section 138 of the Negotiable Instruments Act vide Summary Criminal Case No. 1435/2010 wherein applicant came to be convicted and sentenced to suffer rigorous imprisonment for one month and to pay compensation of Rs.1,00,000/- and in default, to suffer rigorous imprisonment for six months.

The record reveals that this Court vide order dated 7/7/2016 suspended substantive sentence imposed upon applicant and directed him to deposit

Rs.60,000/- with the learned trial Court in addition to Rs.20,000/-, which were already deposited with the first appellate court. As such, amount of Rs.80,000/ out of total amount of Rs.1 lakh was earlier deposited.

During the pendency of present criminal revision application, issue came to be resolved between the parties and respondent no.2 has issued receipt dated 17/4/2017 in the name of firm of accused, thereby establishing receipt of further amount of Rs.20,000/-. Copy of the same is taken on record and marked as "X" for identification.

As issue, which was pending, has been amicably resolved, and since parties do not want to proceed further, instant criminal revision application is allowed in terms of civil application as aforesaid.

In the result, impugned judgment and order dated 14/6/2016 passed by learned Additional Sessions Judge-3, Nagpur confirming judgment and order dated 12/2/2013 passed by learned Judicial Magistrate, First Class, Nagpur in Summary Criminal Case No. 1435/2010 convicting applicant stands quashed and set aside.

JUDGE

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