

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

CRIMINAL REVISION APPLICATION NO.70 OF 2015

Shri Narendra A. Deshmukh

..vs..

Vidarbha Kshetriya Gramin Bank Branch

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

Court's or Judge's Order

**Shri M.P. Kariya, Adv. h/f Shri V.D. Darne, Counsel for the
applicant.**

Shri Tejas Patil, Counsel for non-applicant No.1.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 12, 2017.

**Heard Advocate Shri M.P. Kariya h/f
learned counsel Shri V.D. Darne for the applicant
and learned counsel Shri Tejas Patil for non-
applicant No.1 Vidarbha Kshetriya Gramin Bank.**

**The present applicant was convicted for
the offence punishable under Section 138 of the
Negotiable Instruments Act, 1881 in Summary
Criminal Case No.390 of 2008.**

**Feeling aggrieved by such conviction,
an appeal was carried before the Lower Appellate
Court and the said appeal was registered as**

.....2/-

Criminal Appeal No.19 of 2010 and learned Additional Sessions Judge, Yavatmal vide judgment dated 26.5.2015 dismissed the appeal.

Against the said judgment, revision was filed before this Court. This Court on 30.6.2015 granted bail in favour of the present applicant.

It is the submission of both learned counsel for the parties that during the pendency of the present revision, borrower Smt. Minakshi Deshmukh, wife of the present applicant for whom the present applicant stood as a guarantor and in that capacity the cheque was issued, has repaid the entire amount.

Learned counsel Shri Tejas Patil for non-applicant No.1 Bank, on instructions from Shri G.P. Chaudhari, the Bank Manager of Vidarbha Kshettriya Gramin Bank, submits that the Bank has received the entire amount and there are no dues against the present applicant or the principal borrower.

Both learned counsel have filed a joint Pursis duly signed by them along with 'No Dues Certificate' given by Chief Manager Shri G.P.

Chaudhari. Those are taken on record and for the purposes of identification those are marked as Annexure-X.

In that view of the matter, it being proceedings under Section 138 of the Negotiable Instruments Act, 1881, I exercise my inherent powers under Section 482 and quash and set aside judgment and order of conviction passed by learned Magistrate in Summary Criminal Case No.390 of 2008 together with judgment delivered by learned Additional Sessions Judge, Yavatmal in Criminal Appeal No.19 of 2010 on 26.5.2015.

The appellant is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

The criminal revision application is allowed and disposed of.

JUDGE

!! BRW !!

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