

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

CRIMINAL REVISION APPLICATION No.654 OF 2016

Pradeep Bhauso Bargale

... Applicant

Vs.

Mahaveer S. Chougule

... Respondent

Mr.N.Y. Chavan for the Applicant

Mr.Nikhil Pawar for Resp. No.1

Mr.Yogesh Dabke, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 17, 2018

P.C.:

1. Learned Counsel for the applicant/accused and respondent No.1, the original complainant, are present. The applicant / accused was convicted under section 138 of the Negotiable Instruments Act by the learned JMFC, Miraj by order dated 9.12.2010 in Criminal Case No.335 of 2010, which was confirmed by the learned Additional Sessions Judge, Sangli vide order dated 7.10.2016 in Appeal No.4 of 2011.

2. The learned Counsel for the applicant/accused submits that the parties have decided to settle the matter amicably and

accordingly, have tendered consent terms dated 17.12.2018 signed by the parties and their respective advocates. The learned Counsel for the respondent/original complainant, submits that the complainant has executed a power of attorney dated 12.12.2017 in favour of his son, namely, Kiran Mahavir Chougule, who is present before the Court. A photocopy of the said power of attorney is produced on record. The identification of both the applicant and the respondent's power of attorney holder, is verified and confirmed by the Court Sheristedar.

3. The Consent terms are taken on record and marked "X1" for identification. As the parties have settled their dispute in terms of the consent terms, the Revision is disposed of in terms of consent terms. The order passed by the learned JMFC, Miraj dated 9.12.2010 and of the learned Additional Sessions Judge, Sangli dated 7.10.2016 are quashed and set aside. The complainant is allowed to withdraw the amount of Rs.40,000/- which is deposited with the learned JMFC, Miraj.

4. Revision Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)