

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION No. 33 OF 2016

Haushila Prasad Upadhyay

....Applicant

Vs.

Sunil Tulsidas Gadekar and Anr.

....Respondents

Mr. Rajendra R. Mishra for Applicant

Mr. S.R. Shinde -APP for the State

Mr. Sunil Tulsidas Gadekar – Respondent No.1 present in person

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 26, 2018.

P.C.

1. The Applicant Accused was convicted by the 7th Court of Metropolitan Magistrate, Dadar, Mumbai vide judgment and order dated 27th November, 2013, which was confirmed in appeal by the Learned Sessions Judge. As such, this revision has been filed against the conviction.

2. Pursuant to the provisions of Section 147 of the Negotiable Instruments Act, the Accused and Complainant are present in the Court and have tendered the terms of compounding.

3. The Complainant Sunil Tulsidas Gadekar was made to enter into the witness box and deposed that he has consented for compounding an offence against the Applicant-Accused as the debt is already satisfied. He has produced his Adhar Card, bearing No. 637565088511 with his following

Tikam

address.

S/o. Tulsidas Gadekar,
Flat No. E/1101, Bhoomi Gardenia-1, Plot No.7,
Sector 17, Roadpali, Kalamboli, Panvel,
Kalamboli Node, Raigarh, Maharashtra – 410 218.

4. He further deposed that they have amicably settled the matter and he has no objection if the Applicant-Accused is acquitted of the offence punishable under section 138 of the Negotiable Instruments Act as the debt is already paid.

5. The terms of compounding are taken on record. No purpose will be served in continuing the proceedings when the statute itself permits for compounding the offence. As such, conviction of the Applicant-Accused in view of the order passed by the 7th Court of Metropolitan Magistrate, Dadar, Mumbai vide judgment and order dated 27th November, 2013, which was confirmed in appeal by the Learned Sessions Judge is quashed and set aside. The Applicant is at liberty to withdraw the amount, if any, deposited in the present proceedings, in this Court, the Sessions Court or the Court of Metropolitan Magistrate in view of no objection given by the Complainant.

6. Criminal Revision Application No. 33 of 2016 is disposed of in the aforesaid terms.

[NITIN W. SAMBRE, J.]