

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.107 OF 2018

Umesh Sakharam Waghmare	Applicant
versus	
Madhav Shankar Acharya and another	Respondents

Mr. Deepak K. Girme for applicant.
Mr. Dikpak Shivaji Shinde for respondent no.1.
Mr. M.G. Patil, APP, for State.
The applicant and respondent no.1 present in person.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st February 2018

PC :

1. The applicant was convicted for offence under Section 138 of Negotiable Instruments Act vide judgment and order dated 8th August 2005 passed by Judicial Magistrate, First Class, Pune in SCC No.724 of 2003. The applicant was sentenced to suffer simple imprisonment for six months and was directed to pay compensation of Rs.50,000/-. The applicant thereafter filed an appeal before the Sessions Court. The said appeal viz Criminal Appeal No.290 of 2005 has been dismissed by Additional Sessions Judge, Pune vide judgment and order dated 27th November 2017.

2. Both the parties have amicably settled the dispute. In the revision application itself it has been stated that the parties have compounded the matter outside the Court. They have also executed consent terms dated 21st February 2018 which are signed by both the parties. The complainant has also filed an affidavit stating that both

the parties have settled the dispute outside the Court during pendency of the appeal. However, the said fact could not be brought to the notice of the Sessions Court and thereafter the appeal has been dismissed. The said affidavit has been annexed to this application. In the consent terms also it is stated that the parties have arrived at a compromise and the proceedings against the accused be quashed and set aside. The consent terms dated 21st February 2018 is taken on record and marked "X" for identification.

3. The applicant-accused and the complainant are present in the Court. They have confirmed the contents of the affidavit and the consent terms and have stated that the parties have settled their dispute. The complainant has no objection for compounding the offence and quashing and setting aside the order of conviction.

4. In view of the aforesaid circumstances, in the light of Section 147 of Negotiable Instruments Act and on account of the settlement arrived at between the parties, the prayer for compounding can be allowed. It is also submitted that the amount of compensation of Rs.60,000/- has been paid to the complainant. Hence, I pass following order :

ORDER

(i) In view of compromise between the parties, the impugned judgment and order dated 8th August 2005 passed by Judicial Magistrate, First Class, Pune in SCC No.724 of 2003 convicting the revision applicant and the judgment and order dated 27th November 2017 passed by learned Additional Sessions Judge, Pune in Criminal Appeal No.290 of 2005, are quashed and set aside;

(ii) the offence u/s 138 of Negotiable Instruments Act stands compounded and revision applicant is acquitted of the said offence;

(iii) Criminal Revision Application No.107 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST