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

**REVISION APPLICATION NO. 474 OF 2018
WITH
CRIMINAL APPLICATION NO. 445 OF 2018**

Shri Eknath Daulat Nikam

..Applicant

Vs

The State of Maharashtra & Ors

..Respondents

Mr. Sachin Gite for applicant.

Mr. S.S.Hulke APP for State.

Mr. M.S. Mulla for respondent Nos.2 and 3.

CORAM : A.S.GADKARI, J.

DATE : 7th September 2018

P.C.:

1] The present Revision is filed against the concurrent findings recorded by the learned Judicial Magistrate First Class, Kalwan, District Nashik in R.C.C. No.57 of 2013 by its Judgment and Order dated 11.2.2016 thereby convicting the applicant under section 324 and 325 of the Indian Penal Code and sentenced to suffer maximum rigorous imprisonment for two years and to pay a total fine of Rs.1500/-, in default of payment of fine to further undergo prescribed sentence and dismissal of Criminal Appeal No.56 of 2016 by the learned Additional Sessions Judge-8, Nashik by its

Judgment and Order dated dated 20.9.2018.

2] Heard the learned counsel appearing for the applicant, the learned counsel for the respondent Nos.2 and 3 and the learned APP for State. Perused the record.

3] The learned counsel for the applicant submitted that, the parties herein have settled the matter amicably and the respondent Nos.2 and 3 have filed affidavits in that behalf. The learned counsel for the respondent Nos.2 and 3 conceded to the said fact. He tendered across the bar affidavits of respondent Nos.2 and 3 affirmed on 7.9.2018 before the Competent Authority of this Court. The said affidavits are taken on record and marked 'X-1" and 'X-2' respectively for identification.

4] The respondent Nos.2 and 3 are personally present in Court and through their counsel submitted that they have no objection for quashing of proceedings against the applicant. The offences under sections 324 and 325 of Indian Penal Code are compoundable as contemplated under section 320 of Cr. P.C.

5] In view of the affidavits filed by the respondent Nos.2 and 3, R.C.C. No.57 of 2013 arising out of CR No.35 of 2013 registered with Deola Police Station, Nashik is hereby quashed. The conviction and sentence

imposed upon the applicant by the impugned Judgment and Order dated 11.2.2016 passed by the learned Judicial Magistrate First Class, Kalwan, District Nashik and upheld by the Appellate Court by its Judgment and Order dated 20.8.2018 is hereby quashed and set aside.

6] Revision is allowed in the aforesaid terms.

In view of Order passed in Revision No.474 of 2018, Criminal Application No.445 of 2018 does not survive and the same is accordingly disposed off.

7] It is submitted that, the applicant has already been taken into custody, in pursuance of warrant of conviction and is lodged in Nashik Central Prison. In view of the quashing of the criminal proceedings, the applicant be released from jail custody forthwith on production of the present Order.

8] All the concerned to act on an authenticated copy of this Order.

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Chandrakant
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(A.S.GADKARI, J.)