

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

CRIMINAL APPLICATION (APPR) NO.66/2018
IN CRIMINAL REVISION NO.102/2016

Mahadeo Daulatrao Katkar ..vs.. Shyam Prabhakar Pathak

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

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for applicant.

Mr. M. L. Jadhao, Advocate for non applicant.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 21, 2018

1. This is an application for compounding of the offence. The present application is having affidavit of applicant/accused and also by non applicant/complainant.

2. The non applicant-Shyam Pathak filed proceeding under Section 138 of the Negotiable Instruments Act since the cheque amounting to Rs.2,50,000/- was not honoured by the banker of applicant-Mahadeo. The applicant was convicted by the learned Magistrate in Summary Case No.953/2003 by which the applicant was directed to suffer six month's imprisonment if the fine amount of Rs.3,00,000/- is not deposited. It was also directed by the learned Magistrate that if the amount is paid, from and out of the same, a sum of Rs.2,75,000/- shall be given to the complainant by way of compensation.

3. An appeal was carried by the applicant bearing Criminal Appeal No.6/2010. The said appeal was dismissed on 18.04.2016.

Against the said order, the present revision was filed.

This Court (Coram: P. N. Deshmukh, J.) vide order dated 06.12.2016 suspended the substantive jail sentence.

4. During the pendency of the revision, the parties to the present revision have settled their dispute amicably. As per the settlement, out of an amount of Rs.1,00,000/- deposited before the trial Court, the complainant has withdrawn an amount of Rs.50,000/- and the remaining amount of Rs.50,000/- will be withdrawn by him. It is also stated that the complainant Shyam has received Rs.60,000/- cash from the applicant. He acknowledges receipt of same.

5. Both the parties are present in this Court. They are duly identified by their respective counsel. This Court also inquired with the complainant Shyam about the agreement and he has agreed that he has received the amount of Rs.60,000/- and he will be withdrawing Rs.50,000/- as agreed.

As per Section 147 of the Negotiable Instruments Act, the offence is compoundable one.

6. In that view of the matter, the application is allowed. Permission is granted to compound the offence.

The application is disposed of accordingly

JUDGE