

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

CRIMINAL REVISION APPLICATION NO. 662 OF 2017

Vasant Bapuso Patil	]	... Applicant
Versus		
Rajarambapu Co-operative Bank Ltd. & Anr.	]	... Respondents

Mr.Sandeep A. Kocharekar for applicant.
Mr.Tushar Pimple for respondent No.1.
Mr.Vinod Chate, APP for State.
Mr.Vijay M. Patil, Branch Manager of respondent No.1 Bank present.
Mr.Pravin Vasantrya Patil-Son of applicant present.

**CORAM : N.J. JAMADAR, J.
DATE : 6th DECEMBER, 2019.**

P. C. :-

1. Heard the learned counsels for the parties.
2. During the pendency of this revision application, which assails the judgment and order dated 7th October 2017 passed by the learned Additional Sessions Judge, Islampur in Criminal Appeal No.32 of 2011, whereby the appeal was dismissed and the judgment and order of conviction of the applicant for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and sentence to suffer one year rigorous imprisonment with a direction to pay compensation of Rs.49,85,749/- to the respondent No.1 bank was confirmed, the parties have arrived at an amicable settlement.

3. The parties have tendered the minutes of order dated 6th December 2019, which is taken on record and marked 'X' for identification. Mr.Vijay Patil, Branch Manager of respondent No.1-Bank, Islampur Branch is present. He admits the contents of the minutes of the order and his signature thereon. The officer is identified by the learned counsel for the respondent No.1. The Minutes of order is signed by learned counsels for the applicant and respondent No.1, respectively. The applicant, who is stated to be 82 years old, has also filed an affidavit, sworn before the Commissioner of Oath, Islampur, affirming that he has deposited the amount under the One Time Settlement (OTS), i.e., an amount of Rs.27,67,939/- on 30th March 2019. A copy of the letter issued by the Recovery Officer of the respondent No.1-Bank, dated 30th March 2019 acknowledging the receipt of the said amount in OTS Scheme is annexed to the said affidavit.

4. The Branch Manager of the respondent No.1, thus, states that the respondent No.1-Bank does not desire to prosecute the complaint and the complaint be disposed of as compounded.

5. Hence, the following order :-

O R D E R

(i) The complaint in Summons Criminal Case No. 287 of 2008 for the offence punishable under section 138 of Negotiable Instruments Act, 1881 stands disposed of as compounded.

(ii) The applicant stands acquitted of the offence punishable under section 138 of the Negotiable Instruments Act, 1881.

(iii) The judgment and order of conviction and sentence passed by the learned Judicial Magistrate, First Class, Islampur in Summons Criminal Case No. 287 of 2008, dated 13th April 2011, and confirmed by the learned Additional Sessions Judge, Islampur in Criminal Appeal No. 32 of 2011, by the judgment and order dated 7th October 2017 stands quashed and set aside.

(iv) Bail bonds stand cancelled. Sureties stand discharged.

(v) Criminal Revision Application stands disposed of in the aforesaid terms.

(N.J. JAMADAR, J.)