

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 356 OF 2017
ALONG WITH
CRIMINAL APPLICATION NO. 69 OF 2016
WITH
CRIMINAL APPLICATION NO. 70 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 356 OF 2017**

Amit Bhalchandra Shinde

.. Applicant

Vs.

The State of Maharashtra
& Anr.

.. Respondents

Mr. Deepak R. Kushwaha for applicant.

Mr. Vinod Chate, APP for respondent No.1-State.

Mr. Vijay N. Kaustup i/b Mr. Mangesh B. Mumbarkar for respondent No.2.

CORAM : N.J. JAMADAR, J.

DATE : 27TH NOVEMBER 2019

P.C.

1. Heard the learned counsel for the applicant, the learned counsel for the respondent No.2 and the learned APP for State.

2. The learned counsel for the applicant and the learned counsel for the respondent No.2 make a joint statement that during the pendency of this application, the accused and the original complainant have resolved their dispute and have decided to settle the matter.

3. The applicant has been convicted for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer rigorous imprisonment for four months, with direction to pay compensation of Rs.3,50,000/- to the complainant, with default stipulation, by the judgment and order dated 31st August 2012 in Criminal Case No. 11614/SS/2006 by the learned Metropolitan Magistrate, 59th Court, Kurla, Mumbai. The said judgment of conviction was confirmed by the learned Additional Sessions Judge, Greater Mumbai, in Criminal Appeal No. 599 of 2012 by the judgment and order dated 1st August 2014.

4. The instant application impugns the aforesaid judgment and order of the learned Sessions Judge.

5. The original complainant Mrs.Uma Singh-the respondent No.2 herein has filed an affidavit on 10th August 2017. The complainant affirmed that she has received a sum of Rs.3,50,000/- and thus the offence punishable under section 138 of the Negotiable Instruments Act, 1881 be compounded.

6. The original complainant is present before the Court. She

admits the correctness of the contents of the affidavit. She states that she has no objection for compounding the offence.

7. It is evident that the accused-applicant and the original complainant-respondent no.2 have resolved their dispute and the offence has been compounded. Hence, the following order :-

O R D E R

(i) The complaint bearing C.C.No.11614/SS/2006 for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 stands disposed of as compounded.

(ii) The judgment and order of conviction, dated 31st August 2012 in CC No.11614/SS/2006, for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and sentence of four months imprisonment, as confirmed by the learned Additional Sessions Judge, Greater Bombay in Criminal Appeal No.599 of 2012 stands quashed and set aside.

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

(iv) The application stands disposed of in the aforesaid terms.

(v) In view of disposal of revision application, all pending criminal applications also stand disposed of.

[N.J. JAMADAR, J.]