

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

Criminal Revision No. 74 of 2016

(Sevakramji Ramaji Sahu .vs. Narendrakumar Gowardhandas Agrawal)

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

Court's or Judge's orders.

Mr. G.L. Agrawal, Advocate for Applicant
Mr. N.A. Biherani Advocate for Respondent.

CORAM : Manish Pitale, J.

DATED : July 1, 2019.

The applicant (original accused) and the respondent (original complainant) have filed a joint pursis before this Court which is signed by them and their respective counsel along with the affidavits in support of the said compromise pursis. It is stated that the parties have mutually settled their dispute in the present case.

2. On a complaint filed by the respondent herein, the applicant was convicted for dishonour of cheque under Section 138 of the Negotiable Instruments Act, 1881 and he was sentenced by the Court of Judicial Magistrate First Class, Achalpur, to suffer rigorous imprisonment for six months and to pay fine of Rs.2,00,000/-, of which amount of Rs.1,72,000/- was to be paid to the respondent as compensation. The appeal filed by the applicant against the said conviction and sentence was dismissed and, therefore, the same was confirmed against the applicant. Aggrieved by the same, the applicant had filed the present revision

application in this Court.

3. As noted above, during the pendency of the present revision application, the parties have settled the matter, details of which are stated in the compromise pursis. It is recorded therein that the applicant has paid amount of Rs.97,000/- in two instalments to the respondent herein and that the respondent is fully satisfied with the said amount and he does not wish to proceed against the applicant any more. This is stated to be an out of Court settlement and one time settlement between the parties. It is also stated in the compromise pursis that the respondent would have no objection to the applicant withdrawing amount of Rs.17,000/- deposited before the Court of J.M.F.C., Achalpur, and amount of Rs.30,000/- deposited in this Court during the pendency of the proceedings.

4. In view of the above, the revision is allowed in terms of the said compromise between the parties and it is recorded that the respondent is satisfied with the amount of Rs.97,000/- paid by the applicant to him. Consequently in terms of the compromise pursis, the present revision application is allowed and the orders passed by the two Courts are quashed and set aside. The applicant is permitted to withdraw the amount of Rs.17,000/- from the Court of J.M.F.C. Achalpur and the amount of Rs.30,000/- deposited in this Court.

JUDGE