

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPR) NO.357/2019
AND
APPR NOS. 249/2019; 311/2019 & APPR NO. 349/2019
IN
CRIMINAL REVISION NO.191/2019.
(Pankajkumar Bansilal Bhandari vs. anwar Ali Yusuf Ali)

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

Court's or Judge's order

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Mr. M N Ali, Advocate for the applicant
Mr. K. D. Deshpande, Adv. For respondent

CORAM : MRS. SWAPNA JOSHI, J.
DATED : 21st November, 2019

Heard Mr.Mir Nagman Ali, learned counsel for the applicant and Mr. K.D. Deshpande, learned counsel for the respondent.

2. The applicant/original accused has filed Cri. Appr. No.357/2019 under section 147 of the Negotiable Instruments Act. The applicant was convicted by the learned Judicial Magistrate First Class, Chandrapur by judgment and order dated 31.12.2015. Against the said judgment and order an appeal was preferred before the learned District and Sessions Judge, Charndrapur. The appeal to come to be dismissed vide and order dated 13.8.2019. Challenging the said judgment and orders, the instant Revision has been preferred before this Court.

3. The learned counsel for the applicant submits that an amount of Rs. 1 lakh was deposited by the applicant on 16.9.2019, whereas an amount of Rs.3,25,000/- was deposited before the lower appellate Court, Chandrapur, at the time of suspension of sentence.

It is submitted that the matter has been amicably settled between the parties for the total amount of Rs. 7,75,000. It is further submitted that the demand draft of Rs. 3,50,000 has been received by the complainant/respondent.

4. Mr. K.D.Deshpande, learned Advocate for the respondent does not dispute the said position.

5. The mediation report of the learned mediator dated 18.10.2019 and the consent terms, both are taken on record and marked as Exh."X" and Exh."X1" respectively for the purpose of identification. Both the parties have signed the consent terms and they are present before this court along with their respective Advocates and have admitted their signatures and have identified their respective clients.

6. Since the offence punishable under section 138 of the NI Act is compoundable offence and there is no prohibition against the compounding of the offence, the rejection of the request in that regard would not further the cause of justice, particularly when the commission of the offence is not related to the society at large but against a particular person and as the matter is settled amicably between the parties and the entire amount has been deposited in the court, there is no hitch in allowing the Application filed by the applicant. Hence the order:

I) The offence under section 138 of the NI Act is allowed to be compounded,

ii) The applicant is acquitted of the offence punishable u/s 138 of NI Act.

iii) The respondent is allowed to withdraw the amount of Rs.1 lakh deposited in this Court and an amount of Rs.3,25,000 deposited before the lower Appellate Court, Chandrapur.

With the above directions, the Application stands disposed of. Revision No.191/2019 also stands disposed of.

In view of disposal of main matter, the Appr. Nos_249/2019; 311/2019 & APPR NO. 349/2019 do not survive. They are also disposed of.

JUDGE

Sahare