

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

CRIMINAL APPLICATION (APPA) NO.1105 OF 2018

IN

CRIMINAL APPEAL NO. 740 OF 2008

(SHAIKH BASHIR SK. BAHADAR...VS.. SMT. SADHANABAI ROBERT.)

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

Court's or Judge's orders

Shri S.M.Bahirwar, Advocate for Applicant.
Shri K.B.Zinjarde, Adv. appointed for appellant in Cri.Appeal No.740/08.
Ms Deepa Charlewar, Advocate for non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 22, 2019.

By this application, the appellant seeks permission to withdraw the criminal appeal which is decided by judgment dated 25th October 2018.

By the judgment given in Criminal Appeal No. 740 of 2008 on 25th October 2018, this Court has held that the respondent is guilty of commission of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. This Court directed the respondent to deposit Rs.One Lakh within three months. It was further recorded that if the respondent /accused fails to deposit the amount of Rs.One Lakh within three months, he shall undergo imprisonment for one year.

Now, this criminal application is filed stating that during pendency of the appeal talks for amicable settlement were going on between the parties and subsequently the matter is amicably settled. The appellant has stated that in

the above facts he does not want to prosecute the appeal. The appellant has not given date on which the amicable settlement has taken place.

Be that as it may, it is not possible for this Court to recall the judgment and restore the appeal and permit the appellant to withdraw the appeal.

Hence, the Criminal Application is **dismissed**. However, in the facts of the case, it is directed that the order of sentence shall not be executed till 30th March 2019.

JUDGE

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