

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

Criminal Revision (REVN) No. 247 of 2018
Irshad Ali Vs. Azazoddin and another

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

Court's or Judge's orders

Mr.C.A. Joshi, Advocate for applicant.
Mr. S.M. Vaishnav, Advocate for non-applicant No.1.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The present revision application arises out of concurrent orders of conviction and sentence imposed by the two Courts below on the applicant herein.

2. On a complaint made by the non-applicant No.1 for the reason that the cheque given by the applicant for Rs.1,00,000/-, was dishonoured, the Court of Judicial Magistrate First Class, Murtizapur Dist. Akola, convicted the applicant under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to suffer simple imprisonment for one month and to pay fine of Rs.1,03,000/-. An appeal filed by the applicant against the said Judgment and order was dismissed by the Sessions Court, Akola.

3. Aggrieved by the said conviction and sentence, the present revision application was filed. During pendency of the present revision application, parties have settled their *inter-se* dispute and the

application has been handed over by the learned counsel for respective parties, which is signed by the applicant and non-applicant as well as their respective counsels. As per the terms of settlement, the parties have agreed that amount of Rs.25,000/- deposited by the applicant before the Sessions Court, Akola and amount of Rs.75,000/- deposited by the applicant in the Court of Judicial Magistrate First Class, Murtizapur, shall be withdrawn by the non-applicant No.1 (complainant) and with this, the grievances of the non-applicant would not survive. The application styled as “application for permission to compound the offence under section 138 of the Negotiable Instruments Act” is taken on record and marked as Exhibit “X”.

4. Accordingly, the present revision application is disposed of in terms of settlement document marked as Exh. “X” and consequently, revision application is allowed and conviction and sentence imposed on the applicant stands quashed.

5. Needless to say, the non-applicant No.1 is permitted to withdraw the amounts deposited by the applicant before the Court of Sessions at Akola and the Judicial Magistrate First Class, Murtizapur Dist. Akola.

JUDGE