

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 263 OF 2021

ALONGWITH

INTERIM APPLICATION NO. 3071 OF 2021

SUDHANAND SUBHASH PATIL

} APPLICANT

V/S.

DEVENDRA SADANAND VANAJU

AND ANR.

} RESPONDENTS

* * * *

Mr. R.D. Suryawanshi, Advocate for the applicant.

Mr. Rushikesh Kale, Advocate for respondent no.1.

Mr. A.D. Khamkhedkar, APP for State-respondent no.2.

Coram : Sandeep K. Shinde, J.

Wednesday, 15th December, 2021.

P.C. :

1. Admit. By consent, taken up for hearing forthwith.

2. Against, the order of conviction, under Section 138 of the Negotiable Instruments Act and sentence to suffer imprisonment and compensation of Rs.13,50,000/-, passed by the learned Judicial Magistrate First Class,

Ratnagiri in Summary Criminal Case No.544/2016, applicant's Criminal Appeal No.48/2018 was dismissed by the learned Sessions Court, Ratnagiri vide judgment and order dated 6th December, 2021. Feeling aggrieved thereby, instant Revision is preferred.

3. Heard Counsel for the parties.

4. In execution of the subject sentence, the applicant has been taken into custody on 6th December, 2021 and lodged in Ratnagiri Special Prison, Ratnagiri.

5. The parties to the revision, have settled the dispute by recording the, consent terms dated 14th December, 2021. In terms thereof, the complainant has settled the claim for Rs.10,00,000/- (Rs. Ten Lacs only) as against the compensation of Rs.13,50,000/- (Rs. Thirteen Lacs Fifty Thousand) awarded by the trial Court. Pursuant thereto, the applicant has paid Rs.10,00,000/- to the complainant, which, he admits and acknowledges.

6. Pending appeal, the applicant (accused) has deposited Rs.50,000/- in Criminal Appeal No.48/2018 in the Sessions Court at Ratnagiri. Under the consent terms, complainant has consented and recorded his No-Objection

for withdrawal of it, by the applicant-accused. The consent terms are taken on record and marked "X-1" for identification.

7. Learned Counsel for the parties, would therefore pray that offence be compounded in terms of Section 147 of the Negotiable Instruments Act; accordingly offence is compounded.

8. That since the offence has been compounded, the applicant is directed to be released forthwith, if not required in any other case.

9. Revision and Interim Application are disposed of in the aforesaid terms.

10. All concerned to act on authenticated copy of this order and consent terms.

(Sandeep K. Shinde, J.)