

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

CRIMINAL REVISION 38 OF 2020

(Chandrabhan s/o. Malagu Ladse..vs.. Ishwar s/o. Krushnaji Ragit)

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

Court's or Judge's orders.

Mr. S.R. Kadam h/f Mr. R.R. Vyas, counsel for applicant
Mr. A.I. Ragit, counsel for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE:12.08.2021.

Heard.

2. The original accused and the complainant have settled the dispute out of Court.

3. A joint praecipe is filed on record, which reads thus:

"1. It is submitted that applicant i.e. original accused and the non-applicant i.e. the original complainant have reached an amicable settlement in Criminal Revision Application No. 38/2020.

*2. That the applicant has deposited the entire decretal and compensation amount of Rs. 93,000/- copies of receipts and Cheque of payment is annexed herewith as **Annexure No. I.***

3. That the applicant has no objection if the entire amount so deposited with the respective courts is withdrawn by the non-

applicant.

4. That the non-applicant does not wish that the applicant suffers jail sentence as his objective will be fulfilled by withdrawing the amount of Rs. 93,000/-.

5. That the applicant and non-applicant have agreed to settle their dispute amicably between themselves without taking recourse to this litigation.

6. Hence Criminal Revision Application No. 38/2020 be disposed off accordingly”.

4. The praecipe is signed only by the respective counsel.

5. However, the accused is personally present and the learned counsel, who has signed on behalf of the complainant is the son of the complainant.

6. In this view of the matter, there is no impediment in accepting the praecipe at face value.

7. In view of the praecipe, the following order is passed:

(i) The judgment of conviction dated 21.4.2014, rendered by Judicial Magistrate First Class, Rajura, in Summary Criminal Case

130/2013 and the judgment of the appellate Court dated 5.2.2020, in Criminal Appeal 45/2014 are quashed.

(ii) The parties are permitted to compound the offence, and the praecipe is treated as a joint application seeking compounding.

(iii) The complainant is permitted to withdraw the amount of Rs. 93,000/- (Rupees Ninety Three Thousand) which is deposited by the accused in the Court of the learned Magistrate Rs. 41,750/- (Rupees Forty One Thousand Seven Hundred Fifty), the appellate Court Rs. 21,250/- (Rupees Twenty One Thousand Two Hundred Fifty) and this Court Rs. 30,000/- (Rupees Thirty Thousand).

8. The Revision is disposed of in the aforestated terms.

Judge

Belkhede