

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.197 OF 2022

**ANIL RAJU SHINDE
VERSUS
VRUNDA W/O. SHIRISH THAKUR AND ANOTHER**

...
Advocate for Applicant : Mr. D. R. Adhav
APP for Respondent – State : Mr. S. P. Tiwari
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

Learned counsel for applicant submits that applicant is the original complainant who filed criminal case bearing no. S.C.C. No. 685 of 2019 against the respondent No.1 for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and a cheque amount which was dishonoured was Rs.5,50,000/-.

2. Learned counsel submits that though the learned Magistrate found the accused guilty for the offence punishable under section 138 of the Negotiable Instruments Act, 1881, no substantive sentence was awarded for imprisonment and accused was directed to pay fine on the cheque amount and in default of payment to suffer simple imprisonment of one month.

3. Learned counsel further submits that respondent no.1 filed appeal before the learned Sessions Court that is Criminal Appeal No. 04 of 2022, however, vide order dated 09th June 2022 the said appeal was dismissed for non compliance of conditional order.

4. In view of above facts, learned counsel for applicant prays for leave to withdraw the present proceedings in order to file appeal challenging the order passed by the learned Magistrate who failed to award any substantive sentence.

5. Considering the above facts, liberty is granted to the applicant to challenge the order of the learned Magistrate. Hence the order :

ORDER

- (i) The Criminal Revision Application is permitted to be withdrawn with liberty to file an Appeal against order of learned Magistrate.
- (ii) If such Appeal is filed, the same shall be decided on its own merits and in accordance with law.
- (iii) The Criminal Revision Application stands disposed of as withdrawn.

(BHARAT P. DESHPANDE, J.)