

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

CRIMINAL REVISION APPLICATION NO. 314 OF 2004

CHANDRAKANT GOPINATH CHAUDHARI  
VERSUS  
PIYUSH MANGILAL SURANA and ANR

...

Advocate for Applicant : Mr. Gadekar Anant D.  
APP for Respondent No.2/State : Mr. S. P. Tiwari  
Advocate for Respondent No.1 :Mr. M. K. Goyanka

...

**CORAM : KISHORE C. SANT, J.**  
**DATE : 14<sup>th</sup> SEPTEMBER 2022.**

**Per Court :**

1. At the outset, the learned Advocates for both the parties submit that the matter is settled between the parties. The Affidavit tendered by the Advocate for the Respondent is taken on record marked 'X' for the purpose of identification. The learned Advocate for the Applicant has handed over the demand draft for an amount of Rs.2,50,000/-. A copy of demand draft dated 09.09.2022 is annexed to the Affidavit. The Respondent – Original Complainant has stated in affidavit that now

he has no grievance with the Applicant. Therefore, he accepts the settlement between him and the present Applicant. In view of this, he submitted that the offence can be compounded.

2. By way of the impugned judgment and order, the learned IV Additional Sessions Judge, Aurangabad was pleased to set aside the conviction against the present Applicant and was further pleased to remand the case to the trial Court, who had recorded the oral evidence of the Witness No.2. Since now the parties have settled the matter amicably and the Complainant has received the amount and he has no grievance with the present Applicant, the matter can be disposed of in view of the Compromise between the parties. Hence the following order.

### **ORDER**

- (i) The Criminal Revision Application stands disposed of.
- (ii) No order as to costs.
- (iii) The Applicant/Accused to pay 10% of the cheque amount in view of the judgment in the case of **Damodar S. Prabhu Vs. Sayed Babalal H.** reported in (2010)5 Supreme Court Cases 663. This order is subject to deposit of cost.

- (iv) The trial of judgment and order passed by the JMFC in S.C.C. No.3716/2001 and the judgment passed by the learned Additional Sessions Judge in Criminal Appeal No.102/2003 dated 18.06.2004 is set aside.

[ KISHORE C. SANT, J.]

*Najeeb.*