

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO. 145 OF 2018
WITH
CRIMINAL APPLICATION NO.168 OF 2018**

Arjun Pandurang Gawade ...Applicant
Versus
Vijayrao Borawake Nagari
Sahakari Patsanstha Maryadit And Anr. ...Respondents

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Mr. Prashant S. Hagare, Advocate for the Applicant.

Ms. Manisha A. Devkar, Advocate for Respondent No.1.

Mr. A. D. Kamkhedkar, APP for the Respondent – State.

Mr. Arjun Pandurang Gawade, applicant present.

Mr. Ramchandra Laxman Abdagire, Manager, for Dr. Vijayrao Borawake Nagari Sahakari Patsanstha Maryadit, Phaltan, respondent No.2 Present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 17th AUGUST, 2022.**

PER COURT:

1. The applicant is convicted for offences under Section 138 of Negotiable Instruments Act vide judgment and order dated 22nd June, 2012 passed by the Judicial Magistrate First Class, Phaltan in Summary Criminal Case No.261 of 2010 and sentenced to suffer simple imprisonment for three months and to pay fine of Rs.2,50,000/-. The appeal preferred by the applicant challenging the judgment of the trial Court has been dismissed vide judgment and vide order dated 17th February, 2018 passed by learned

Additional Sessions Judge, Satara.

2. This revision application has been preferred challenging both the judgments passed by the Subordinate Courts. During pendency of this application sentence imposed by the trial Court and the confirmed by the Sessions Court has been suspended by this Court vide order dated 26th March, 2018. the applicant had undertaken to deposit the amount of Rs.2,50,000/- before this Court within three weeks from the date of the said order.

3. In accordance with order dated 26th March, 2018, the amount of Rs.2,50,000/- has been deposited in this Court by the revision applicant. During the pendency of appeal, the revision applicant has been deposited Rs.10,000/- before the Sessions Court.

4. Both the parties has arrived at amicable settlement and executed consent terms dated 19th July, 2022. As per the consent terms, the parties have agreed that the respondent/complainant be allowed to withdraw the amount deposited by the revision applicant in this Court as well as before the Sessions Court, Satara. The respondent No.1/complainant has no objection to dispose of the present revision application in view of the settlement and it is agreed between the parties that the respondent No.1 has no

objection to set aside the sentence imposed on the applicant. The consent terms are taken on record and the marked as 'X' for identification.

5. The revision applicant/accused and respondent No.1/complainant are present in the Court. They have confirmed the terms of settlement.

6. In view of the above, I pass the following order :

ORDER

- i. Criminal Revision Application No. 145 of 2018 is allowed;
- ii. The respondent No.1/complainant is allowed to withdraw the amount of Rs.2,50,000/- deposited by the revision applicant in this Court along with accrued interest, if any;
- iii. The respondent No.1/complainant is also allowed to withdraw the amount of Rs.10,000/- deposited by the revision applicant before the Sessions Court along with accrued interest, if any;
- iv. The revision applicant shall co-operate with the complainant in withdrawal of the amount as stated herein above and shall provide all the receipts of the deposits to the respondent No.1/complainant;
- v. The judgment and order dated 22nd June, 2012 passed by the learned J.M.F.C. Phaltan convicting the revision

applicant for offence under Section 138 of Negotiable Instruments Act, 1881, as well as the judgment and order dated 17th February, 2018 passed by the Sessions Court in Criminal Appeal No.88 of 2012 dismissing the said appeal are set aside and the revision applicant is acquitted for offence under Section 138 of Negotiable Instruments Act, 1881;

vi. Criminal Revision Application No.145 of 2018 and Criminal Application No.168 of 2018 are disposed off accordingly.

(PRAKASH D. NAIK, J.)