

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

CRIMINAL REVISION APPLICATION (ST.) NO. 408 OF 2017

Vilas Gangaram Gurav	...Applicant
Versus	
M/s.. Sai Seva Sheti Bhandar, Khingar Prop. Ramesh Dhondiram Deoghare And Anr.	...Respondents

....

Mr. Ganesh K. Sovani a/w R. Humane, Advocate for the Applicant.

Mr. Omkar G. Nagwekar, Advocate for Respondent No. 1.

Mr. S. R. Agarkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	22nd JULY, 2022.

PER COURT:

1. Pursuant to order dated 5th July, 2022, the revision applicant has deposited the amount. Rs.15,000/- were deposited on 8th July, 2022 and Rs.13,000/- were deposited on 19th July, 2022.

2. Learned Advocate Mr. Omkar G. Nagwekar appearing for the Respondent/complainant submit that the legal heir of original complainant is present in the Court and he has no objection for setting aside the conviction subject to permission to withdraw the deposited amount. The learned counsel for the revision applicant submitted that the Applicant has no objection for the amount being withdrawn by legal heir of the complainant. Since the parties have settled the dispute. The Judgment of conviction passed by the trial

Court and confirmed by appellate Court can be set aside.

ORDER

- i. Criminal Revision Application (st.) No. 408 of 2017 is allowed.
- ii. The Judgment and order dated 20th March, 2012 passed by Learned J.M.F.C., Mahabaleshwar Court in S.C.C. No.404 of 2010 convicting the Applicant for an offence under Section 138 of Negotiable Instruments Act as well as the Judgment and order dated 14th March, 2017 passed by the Learned Additional Sessions Judge, Satara in Criminal Appeal No. 51 of 2012 confirming the conviction are set aside and the revision applicant is acquitted for the offence under Section 138 of Negotiable Instruments Act.
- iii. The amount deposited by the revision applicant in the Court is allowed to be withdrawn by the complainant.
- iv. The amount deposited may be transferred to the account of the legal heir of the original complainant Mr. Ajinkya Ramesh Deoghare. The receipts of deposited amount are taken on record. The copies are furnished to the complainant. The revision applicant shall co-operate with

the complainant for withdrawal or transfer of the deposited amount.

v. Criminal Revision Application (St.) No.408 of 2017 stands disposed of.

(PRAKASH D. NAIK, J.)