

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION (STAMP) NO.13636 OF 2022
WITH
INTERIM APPLICATION NO.2679 OF 2022
WITH
INTERIM APPLICATION NO.2680 OF 2022

Shantaram Sadashiv Kambali	Applicant
versus	
The State of Maharashtra and another	Respondents

Mr.Mahesh Vijay Rawool, Advocate for applicant.
Mr.Arfa Sait, APP, for State.
Mr.Shantaram Sadashiv Kambali, Applicant present in Court.
Mr.Sachin Ramakant Kambali, Complainant, present in Court.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th September 2022

PC :

1. Not on board. Taken on board.
2. The Interim Application No.2679 of 2022 is filed for condonation of delay in preferring revision application. Heard both sides. In the interest of justice, delay is condoned. Interim Application is disposed off.
3. The revision application is taken up for hearing by consent. The revision applicant is convicted for offence u/s.138 of Negotiable Instruments Act vide judgment and order dated 26th February 2018 passed by Judicial Magistrate, First Class, Vengurla in Summary Criminal Case No.87 of 2016 and sentenced to suffer simple imprisonment of one month. He was directed to pay compensation

of Rs.56,000/- and cost of Rs.4,000/- towards litigation. The judgment of Trial Court was challenged before Sessions Court by preferring an appeal. By judgment and order dated 12th April 2022 in Criminal Appeal No.10 of 2018 the appeal was partly allowed. The judgment and order dated 26th February 2018 was modified. The revision applicant was convicted for offence u/s.138 of Negotiable Instruments Act and sentenced to suffer imprisonment till rising of Court. He was directed to pay compensation of Rs.70,000/- to the complainant.

4. Learned advocate for revision applicant submits that parties have arrived at amicable settlement. Entire amount of Rs.70,000/- is handed over to the complainant. The receipt about payment of the said amount has been obtained. The photocopy of the said receipt is placed on record. The parties have executed consent terms. The complainant is present in the Court. He produced his Aadhar card to show his identity. In the consent terms it is stated that the complainant has no objection for allowing this revision application. The complainant who is present in the Court has confirmed that the matter is settled. He has received amount of Rs.70,000/- and he has no objection for allowing revision application and for setting aside orders of both the Courts below.. Consent terms are taken on record.

5. In view of above, I pass following order :

ORDER

- (i) Criminal Revision Application (Stamp) No.13636 of 2022 is allowed and disposed of;
- (ii) The judgment and order dated 26th February 2018 passed by JMFC, Vengurla in Regular Criminal Case No.87 of 2016 as well as

judgment and order dated 12th April 2022 passed by Additional Sessions Judge, Sindhudurg-Oros in Criminal Appeal No.10 of 2018, are quashed and set aside and the revision applicant is acquitted for offence under Section 138 of Negotiable Instruments Act;

(iii) The amount of Rs.15,000/- deposited by revision applicant in Lower Court is allowed to be withdrawn by the revision applicant.

(PRAKASH D. NAIK, J.)

MST