

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.77 OF 2022

Vitthalrao Laxmanrao Katade

Vs.

Damodar Uttamrao Mete

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. U. Tathod, Advocate for applicant.

Mr. S. B. Gandhe, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/04/2022

The applicant has been convicted by the learned Judicial Magistrate, First Class, Amravati by the Judgment dated 19.10.2019 for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer Simple Imprisonment for three months and compensation of Rs.7,00,000/- (Rupees Seven Lakhs) in default to suffer Simple Imprisonment of one month, which conviction has been confirmed by the learned Appellate Court by its Judgment dated 07.03.2022.

2. In the present application, the applicant has challenged both the aforesaid Judgments. An application has been filed under Section 147 of the Negotiable Instruments Act, contending that the dispute has been settled between the parties by deed of settlement dated

19.03.2022. The parties are present in the Court. The Registrar (Judicial), as per the directions has verified the settlement between the parties, their identity and that the same is voluntary, considering which, the request for compounding is accepted and the conviction of the applicant under Section 138 of the Negotiable Instruments Act, as per the Judgment by the learned Magistrate passed in SCC No.4732 of 2016 dated 19.10.2019 and the Judgment of the learned Appellate Court dated 07.03.2022 in Criminal Appeal No.236 of 2019, is hereby quashed and set aside, in view of the settlement between the parties, as recorded in the deed of settlement dated 19.03.2022.

3. The Criminal Revision Application is accordingly disposed of in terms of settlement deed.

4. Pending application/s, if any, shall stand disposed of accordingly.

JUDGE

Sarkate