

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

CRIMINAL REVISION APPLICATION NO.205 OF 2022

**PRAKASH KISAN DHARKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. S. A. Nagode h/f Mr. R. R. Karpe
APP for Respondent No.1: Mr. S. B. Narwade
Advocate for respondent No.2 : Mr. P. S. Dighe

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CORAM : S. G. MEHARE, J.

DATE : 16.03.2023

PER COURT :

1. The parties have filed settlement terms. The same is taken on record and marked as Annexure 'A'. Both parties agreed for the terms and conditions of the settlement.

2. The offence punishable under Section 138 of the Negotiable Instrument Act, is compoundable. The offence is compounded, hence, following order :-

ORDER

(i) The revision is allowed

(ii) The impugned judgment of the learned Judicial Magistrate

First Class Shrigonda passed in STC No. 333/2009, dated

21.01.2013 and impugned Judgment in Criminal Appeal No.

100 of 2019 passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar dated 5.7.2022 are quashed and set aside.

- (iii) The petitioner-accused is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
- (iv) The bail bonds of the petitioner stand canceled and sureties stand discharged.
- (v) Respondent No.2 shall entitle to receive the amount deposited by the present petitioner before the appellate Court and this Court. The concerned Court and officers do pay the amount deposited by the applicant to respondent No.2 along with interest accrued thereon if any.

(S. G. MEHARE)
JUDGE