

(This order dated 04.08.2023 stands corrected and uploaded in view of the order dated 09.11.2023 passed on the motion for Speaking to the Minutes of the order.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.176 OF 2014

DAGU SHANKAR GUNJAL
VERSUS
SHARDA YADAV PURI

...
Advocate for Applicant : Mr. Sanket N. Suryawanshi holding for
Mr. Dnyaneshwar J Patil
Advocate for Respondent : Mr. Avinash N. Barhate Patil holding for
Mr. Shailesh S. Chapalgaonkar
...

CORAM : S. G. MEHARE, J.

DATE : 04-08-2023

PER COURT :-

1. The present revision is against the judgment of conviction to the applicant under Section 138 of the Negotiable Instruments Act, 1881. The judgment of conviction was also confirmed in the appeal.

2. Parties have arrived at the settlement. They have filed their settlement terms. It is taken on record and marked as Annexure 'A', for identification. Parties have agreed that the accused shall pay balance amount of Rs.7,00,000/- (Rs.Seven Lakh) to the complainant, within two months from today by demand draft. At the time of delivering demand draft, the complainant shall personally handover the possession of the land described in the

settlement terms, as per the sale deed. The parties are present before the Court. They admit the terms of the settlement. In view of the settlement terms, the following order is passed :-

- i) Leave granted to compound the offence.
- ii) The judgment and order of the learned Judicial Magistrate First Class, Rahata, District Ahmednagar, convicting the accused under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for six months, in Summary Trial Case No.169 of 2012 dated 27.08.2023 and confirmed by the learned Additional Sessions Judge, Kopargaon, District Ahmednagar, by his judgment and order passed in Criminal Appeal No.17 of 2013, dated 21.07.2014, stand quashed and set-aside.
- iii) The accused is acquitted under Section 255 of the Code of Criminal Procedure for the offence punishable under Section 138 of the Negotiable Instruments Act.
- iv) The bail bonds of the accused stand cancelled. The surety stands discharged.
- v) R & P be returned to the Court of the learned Judicial Magistrate First Class, Rahta, District Ahmednagar.
- vi) The complainant is entitled to withdraw Rs.1,00,000/- (Rs.One Lakh) deposited in the District Court, Kopargaon and Rs.2,00,000/- (Rs.Two Lakh) deposited in the Court of the learned Additional Sessions Judge, Kopargaon, District Ahmednagar.

(S. G. MEHARE)
JUDGE