

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

CRIMINAL APPLICATION NO.2322 OF 2023

Babulal s/o Darbarsingh Rathod ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. Chaitanya C. Deshpande, Advocate for applicant
Mr. R.V. Dasalkar, A.P.P. for State
Ms. Priyanka P. Shinde, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 14th JULY, 2023

ORDER :

Heard. Issue notice to respondents returnable forthwith. Learned A.P.P. waives service for respondent No.1. Ms Priyanka Shinde, learned counsel waives service for respondent No.2.

2. The applicant herein is the husband of respondent No.2. He has been convicted for the offence punishable under Section 498-A of the Indian Penal Code and sentenced to suffer simple imprisonment for one year and to pay fine of Rs.5000/- with default stipulation. He has challenged the said conviction in appeal, being Criminal Appeal No.16/2022 before the learned Sessions Judge, Nandurbar.

3. Now the respondent No.2 wife has come around to settle the matter. She is present before the Court. She is also represented by an Advocate. She states to have settled the matter and received a sum of Rs.6 Lakhs from the applicant – husband. She gives express consent for setting aside the conviction and consequential sentence of the applicant herein.

4. Considering the nature of offence and express consent given by the victim, the application is allowed in terms of prayer clause (B). The judgment and order of conviction and sentence dated 3/8/2022, passed by learned Chief Judicial Magistrate, Nandurbar in R.C.C. No.13/2020 with consequential sentence of the applicant for the offence punishable under Section 498-A of the Indian Penal Code is hereby set aside. The applicant stands acquitted of the offence punishable under Section 498-A of the Indian Penal Code. The amount of fine be paid back to the applicant.

5. The Criminal Appeal No.16/2022, pending before the learned Sessions Judge, Nandurbar stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-