

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.262 OF 2022

P. M. POULTRY FARM, THROUGH ITS PROPRIETOR, PRADIP S/O
BHAGIRATH MANDAGE
VERSUS
M/S SUNIKET TRADING COMPANY, THROUGH ITS PROPRIETORY,
SANJAY MANSUKHLAL PIPADA AND ANOTHER

...
Advocate for Applicants : Mr. Ujwal Subhash Patil
Advocate for Respondent No.1 : Mr. L. B. Palod, Mr. D. L. Palod
APP for Respondent No.2 : Mr. S. B. Narwade
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CORAM : S. G. MEHARE, J.

DATE : 02-05-2023

PER COURT :-

1. Both parties have filed settlement terms. Both parties and their counsels signed the settlement deed. Parties have agreed the terms of settlement. The offence under Section 138 of the Negotiable Instruments Act, is compoundable. Hence, leave granted to compound the offence. The settlement terms is marked at Annexure 'A' and made a part of the record of the trial Court. In view of the settlement terms, the following order is passed:-

- i) Revision application is allowed.

- ii) The judgment and order of conviction of the Judicial Magistrate First Class, Ahmednagar, in Summary Criminal Case No.1920 of 2015 dated 04.01.2021 and confirmed by the learned Sessions Judge, Ahmednagar, in Criminal Appeal No.03 of 2021 dated 01.09.2022, is quashed and set aside.
- iii) The applicant is acquitted under Section 255(1) of the Code of Criminal Procedure for the offence punishable under Section 138 of the Negotiable Instruments Act.
- iv) The bail bond and surety bond stand cancelled.
- v) Surety stands discharged.
- vi) The complainant is entitled to receive the amount deposited with the Subordinate Appellate Court and this Court.
- vii) The concerned offices are directed to pay the amount deposited to the complainant.
- viii) R & P be returned to the trial Court.

**(S. G. MEHARE)
JUDGE**

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