

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3675 OF 2023
IN REVN/179/2022**

**PRASHANT CHHAGANRAO GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Balraj P. Pande, Advocate for the Applicant.
Mr. S. P. Deshmukh, APP for Respondents-State.
Mr. A. B. Jagtap, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th OCTOBER, 2023.**

PER COURT:-

1. By this application, the applicant seeks extension of ten weeks to surrender before the Trial Court in pursuance of the order passed by this Court dated 08.08.2023 in Criminal Revision Application No.179/2022.

2. The applicant has been prosecuted for offence under Section 138 of the Negotiable Instrument Act. On full-fledged trial, he has been convicted in S.C.C. No.1216/2017. His appeal before the Sessions Court, so also Criminal Revision Application before this Court challenging the conviction has been dismissed. The applicant was directed to surrender before the Trial Court on or before 30.08.2023. The applicant preferred an application bearing Criminal Application No.3222/2023 before this Court seeking extension of time to surrender citing reason that his wife is hospitalized and infant is in Neonatal Intensive Care Unit (NICU). This Court considered the request favourably and extended time to surrender till 26.09.2023. Thereafter, the applicant came with an application seeking permission to compound the offence. The amount under cheque was offered to the complainant. A Demand Draft was also prepared, which was made part of the application. The original complainant is also

agreeable for compounding of offence. However, since the Criminal Revision Application is already dismissed, this Court shown disinclination to entertain the prayer. In this background, the applicant has filed present application for further extension of time to surrender.

3. The learned Advocate appearing for the applicant submits that since the parties have practically settled the dispute, they will explore the appropriate remedy, as provided under law, may be by approaching the Hon'ble Supreme Court of India for that purpose and seeks further extension of time to surrender.

4. Keeping in mind the specific circumstances of this case, since the parties have arrived at amicable settlement and complainant has also accepted the said fact before this Court, it would be appropriate to grant one more opportunity to the applicant to take appropriate steps to compound the offence by filing appropriate proceeding and for that purpose grant an extension of time to surrender. Hence, the following order:

ORDER

(i) Criminal Application is allowed in terms of prayer Clause (B), as a last chance.

(ii) It is made clear that, in case of failure to compound the offence through appropriate legal remedy, the applicant shall surrender before the Trial Court in terms of the direction of this Court dated 08.08.2023 on expiry of ten weeks from 25.09.2023 i.e. the date of this application.

(iii) Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE