

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

CRIMINAL REVISION APPLICATION NO. 199 OF 2021  
WITH CRIMINAL APPLICATION NO. 3174 OF 2022

P.S. INDUSTRIES THROUGH ITS PROPRIETOR  
DNYANESHWAR TATERAO PATHRIKAR  
VERSUS  
VISHWAMBHAR BAJIRAO CHAVAN

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Advocate for Applicant : Mr. A. S. Barlota  
(Respondent in Application/3174/2022)  
Advocate for the respondent : Mr. M. B. Ubale  
(Applicant in Application/3174/2022)

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**CORAM : S. G. MEHARE, J.**

**DATE : 31.03.2023**

**PER COURT :**

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.
2. Parties have arrived at settlement. In terms of the settlement deed. The offence punishable under Section 138 of the Negotiable Instruments Act, is compoundable. The parties have admitted the terms of the settlement. Hence, offence is compounded. In view of the settlement, the following order is passed :-

**ORDER**

- (i) The Criminal Revision Application is allowed.

- (ii) The judgment and order of conviction passed by the learned Judicial Magistrate F.C. Court. No.7, Aurangabad in Summery Criminal Case No. 3921 of 2017 dated 12<sup>th</sup> June 2018 and confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No. 113 of 2018 dated 16.12.2021 are quashed and set aside.
- (iii) The applicant/accused is acquitted under Section 248 of the Cr. P.C. for the offence punishable under Section 138 of the Negotiable Instrument Act.
- (iv) The bail bonds of the applicant stand cancelled and surety stands discharged.
- (v) The settlement deed be made a part of the record of the trial Court.
- (vi) The applicant is entitled to receive Rs.2,35,000/- deposited in this Court, in terms of the settlement and further entitled to receive Rs. 65,000/- from amount deposited with subordinate appellate Court. Remaining amount of Rs.60,000/- deposited with the subordinate appellate Court be returned to the present applicant/accused.
- (vii) Criminal Application No. 3174 of 2022 stands disposed of.

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