

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL REVISION APPLICATION NO.203 OF 2021**

Raju S/o Narottam Patel,
Age: 58 years, Occu.: Business,
R/o Kanushree School, Mayur Travels,
Near Santoshi Mata Temple, Dhule,
Tq & Dist. Dhule.

..Applicant

Versus

1. Shri Hanumant Rambhau Avatade,
Age: 48 years, Occu.: Business,
R/o. Dagadi Chawl, Pratap Mill, Chitod Road,
Dhule, Tq & Dist. Dhule.

2. The State of Maharashtra

..Respondents

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Mr. V. P. Raje, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.
Mr. S. B. Yawalkar, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 03rd OCTOBER, 2023.**

PER COURT:-

1. The applicant/original accused approached this Court challenging the judgment and order of his conviction under Section 138 of the Negotiable Instrument Act in Summery Criminal Case No.460/2011 passed by the Judicial Magistrate First Class, Dhule as well as order in appeal passed by the learned Sessions Judge in Criminal Appeal No.72/2019, thereby confirming conviction and sentence.

2. Today, the applicant/accused and respondent/complainant appeared alongwith learned Advocates representing them before this Court and submitted that the dispute is amicably settled and they have prepared terms of compromise. Upon such submissions, the parties were relegated to the Registrar (Judicial) of this Court for verification of the

terms of the settlement, so also the parties. The parties and their Advocates presented themselves before the learned Registrar (Judicial) and accepted the terms of the settlement to be true and correct. The terms of the settlement are signed by the parties. They are identified by the respective Advocates and also placed on record the copies of the Aadhaar Card to establish their identity.

3. The report of the learned Registrar (Judicial) is placed before this Court, which is marked as 'X' for identification. It states that the amount of Rs.60,000/- deposited before the Sessions Judge and the amount of Rs.90,000/- deposited before this Court be paid to respondent no.1 alongwith accrued interest and applicant may be acquitted. The parties alongwith learned Advocate representing them re-affirms the contents of the terms of settlement.

4. Considering the submissions advanced and perusal of the terms of settlement this Court records that the dispute is amicably settled. There is no impediment in accepting the compromise terms and permit compounding of offence, so also acquit the applicant/accused by setting aside the impugned judgments and order of conviction by the Judicial Magistrate First Class, Dhule dated 04.11.2019 in SCC No.460/2011, so also the Sessions Judge, Dhule in Criminal Appeal No.72/2019 dated 20.12.2021. Hence, the following order:

ORDER

- (i) Criminal Revision Application is hereby allowed.
- (ii) Leave is granted to compound the offence.
- (iii) The Judgment and order of conviction passed by the Judicial Magistrate First Class, Dhule dated 04.11.2019 in Summary Criminal Case No.460/2011 under section 138 of the

Negotiable Instrument Act as well as order dated 20.12.2021 passed by the Additional Sessions Judge-3, Dhule in Criminal Appeal No.72/2019 is hereby quashed and set aside.

(iv) The applicant/accused is acquitted under Section 255 of the Criminal Procedure Code for the offence punishable under Section 138 of the Negotiable Instrument Act.

(v) The bail bonds of the accused stand cancelled. The surety stands discharged.

(vi) The amount of Rs.60,000/- deposited before the Additional Sessions Judge, Dhule, so also amount of Rs.90,000/- deposited in this Court be released in favour of respondent no.1-Shri. Hanumant Rambhau Avatade alongwith interest accrued thereon till the date of release of the amount.

(vii) R. & P. be returned to the Court of learned Judicial Magistrate First Class, Dhule.

(viii) Criminal Revision application stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE