



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

CRIMINAL REVISION APPLICATION NO. 324 OF 2023

**JANARDAN RAGHUNATH SHUKLA
VERSUS
SACHIN VINAYAK SONAR AND ANOTHER**

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Advocate for the applicant : Mr. Jyodeep Chattarjee

Advocate for Respondent No. 1 : Mr. Girish Rane

APP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 19.12.2023.

PER COURT :

1. The Criminal Revision application takes an exception to the order of conviction under Section 138 of the Negotiable Instruments Act, passed in SCC No. 39 of 2018 by the Judicial Magistrate First Class, Amalner, District Jalgaon, which has been confirmed by the Additional Sessions Judge, Amalner, in Criminal Appeal No. 07 of 2023.

2. During the pendency of the application the parties have arrived at an amicable settlement and placed on record the terms of the compromise, which are duly signed and verified by the parties. The learned Advocates appearing for the respective

parties identified them. The terms of settlement are specified in the settlement deed at Clause No. (III), which reads as under:

“It is hereby decided and agreed that an amount of Rs. 2,81,422/- so deposited by the present petitioner in Criminal Appeal No. 7 of 2023 [Rs.56,280/- + Rs.2,25,142/-] will be withdrawn by the present Respondent No. 1 – original complainant. The petitioner hereby agrees and consents unconditionally that the Respondent No. 1 -Ori. Complainant will withdraw the said amount of Rs. 2,81,422/- from the Court of Additional Sessions Judge, Amalner and the petitioner has and will not raise any objection for such withdrawal.”

3. 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, Amalner in SCC No.39/2018, dated 11.08.2023, so also the Sessions Judge, Dhule in Criminal Appeal No.07/2023. 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, Amalner, dated 11.08.2023, in Summary Criminal Case No.39/2018 under section 138 of the Negotiable Instrument Act as well as order passed by the Additional Sessions Judge, Amalner dated 19.10.2023, in Criminal Appeal No.07/2023 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. 2,81,422/- deposited before the Additional Sessions Judge, Amalner, be released in favour of respondent Sachin Vinayak Sonar 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, Amalner.

(viii) Criminal Revision application stands disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/