

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

CRIMINAL WRIT PETITION NO. 1789 OF 2023

Prashant Chaganrao Gadekar

..PETITIONER

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. A.K. Bhosle, Advocate for petitioner

Mr. V.K. Kotecha, A.P.P. for respondent no.1 – State

Ms. A.S. Madake, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 05th DECEMBER, 2023**

PER COURT :

1. Heard.

2. This petition has been filed for quashing of order of conviction whereby the petitioner has been convicted for the offence under Section 138 of the Negotiable Instruments Act ('N.I. Act') and therefore, sentenced to suffer simple imprisonment for nine months and pay the amount under the cheque alongwith 9% interest thereon from the date of dishonour of cheque to the date of payment of the amount covered by the cheque.

3. The petitioner has been unsuccessful in the appeal against conviction and revision preferred against the order passed in appeal confirming conviction by the trial court.

4. Both, the petitioner and original complainant are before us. The petition has been moved by their joint motion. The petitioner is paying a sum of Rs.8,61,000/- under the demand draft towards full and final settlement of the amount to be paid to the original complainant. The demand draft is being handed over to the complainant across the bar.

5. In view of above, order of conviction recorded by the trial Court for offence under Section 138 of the N.I. Act and thereby sentencing the petitioner for simple imprisonment for nine months and pay the amount under the cheque alongwith 9% interest thereon is hereby set aside. The petitioner stands acquitted of the said offence. Criminal writ petition stands disposed of accordingly.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)