

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

***CRIMINAL REVISION APPLICATION NO.446 OF 2022
WITH
INTERIM APPLICATION NO.4327 OF 2022***

Shankar Sakharam Biraje ... Applicant
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Aditya S. Raktade for the applicant.

Mr. A.R. Patil, APP for the respondent No.1/State.

Mr. Metanshu Purandare i/by Mr. Dnyanesh Patil for
the respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MAY 3, 2023

P.C.:

1. The criminal revision application arises out of proceedings under section 138 of the Negotiable Instruments Act, 1881. The applicant has been convicted by both the Courts below. During pendency of the present revision application, the applicant and respondent No.2 have amicably resolved their dispute. The applicant and respondent No.2 have signed consent terms before a notary. The consent terms are taken on record and marked Exhibit-X for identification. As per the consent terms, the amount of Rs.3,00,000/- has been paid to the complainant. The remaining amount of Rs.1,50,000/- is agreed to be paid within three months from 21st May 2023.

2. In view of resolution of dispute between the parties, the impugned judgment and order passed by the learned Judicial Magistrate First Class, Chandgad, Kolhapur in Summary Criminal Case No.202 of 2015 on 3rd November 2018 and confirmed by the learned Additional Sessions Judge, Kolhapur in Criminal Appeal No.21 of 2018 on 15th November 2022 are quashed and set aside.

3. However, it is made clear that in case remaining amount of Rs.1,50,000/- is not paid within three months from 21st May 2023, it shall be open for the complainant to file appropriate application for revival of the revision.

4. *The criminal revision application and interim application stand disposed of. No costs.*

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 5th July 2023. The corrections in cause title and paragraph 4 are shown in italicize.