

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.48 OF 20 22

Nimba Kashinath Kothawade .. Applicant
v/s.
State of Maharashtra & Anr. .. Respondents

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Mr. Gaurav Pandey, i/b. Mr. Ranjit G. Jadhav, for the Applicant.

Mr. M.G. Patil, APP, for Respondent State.

Mr. Abhishek D. N., for Respondent No.2.

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CORAM: R.G. AVACHAT, J.

DATE : 27 JANUARY 2023.

P.C:-

The matter is arising out of conviction under Section 138 of the N.I. Act. The order dated 17 January 2022 indicates that the parties were ready to settle the matter. The Applicant/convict was willing to deposit a sum of Rs.2,00,000/- (cheque amount) within period of one month. It is now informed that the amount of Rs.2,00,000/- has been deposited. Both the complainant and the accused/convict are present before the Court. They have placed on record consent terms. The same are marked "X", for identification. A sum of Rs.4,00,000/- (cheque amount) has been deposited with trial

court and appellate court as well. As per the terms of the compromise, the said amount is to be withdrawn by the complainant.

2. In view of the settlement between the parties, the revision application is allowed in terms of the compromise. The conviction of the Applicant for offence punishable under Section 138 N.I. Act is hereby set aside. He stands acquitted of the offence. The amount in deposit with the trial court and the appellate court as well be immediately paid to the complainant with interest accrued thereon.

(R.G. AVACHAT, J.)