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Uday S. Jagtap

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

**CRIMINAL REVISION APPLICATION NO. 331 OF 2019
IN
INTERIM APPLICATION NO. 290 OF 2022**

Prakash Shivaji Chavan

.. Applicant

Vs.

Uttamrao Daiva Jadhav & Anr.

.. Respondents

.....

Ms. Tanvi Phatak i/b Mr. Sachin K. Hande for the applicant

Ms. G.P. Mulekar, APP for the respondent – State

Mr. Akshay Kulkarni for the applicant in IA

Mr. Uttamrao Daiva Jadhav – respondent complainant – present in
Court

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 22nd DECEMBER, 2023

P.C.

1. Learned Counsel for the applicant and the respondent are present. Respondent – complainant is also present.

2. It is submitted on behalf of the respondent that the matter has been amicably settled, in the sense, nothing is due from the applicant – accused. The learned Counsel for the applicant has,

therefore, no objection to dispose of the Revision.

3. Learned Counsel for the respondent – complainant has placed on record photostat copies of two demand drafts drawn in favour of the respondent - complainant in the sum of Rs.55,000/- and Rs.20,000/- respectively.

4. The original demand drafts have been tendered to the respondent – complainant today in the Court.

5. The Revision Application is disposed of by passing the following order :-

ORDER

(i) The judgment and order of conviction passed by the JMFC, Sangli on 9th May 2013 and confirmed by the lower Appellate Court on 25th June 2019 is quashed and set aside.

(ii) The applicant is acquitted of the offence punishable under Section 138 of the Negotiable Instrument Act.

(iii) His bail bonds stands cancelled.

(iv) Liberty to the respondent to withdraw the amount deposited by the applicant in the trial Court.

(v) Learned JMFC, Sangli is directed to forthwith refund the amount to the respondent – complainant on due verification, upon making an application in light of the fact that the respondent complainant is a senior citizen.

6. The Revision Application stands disposed of in the above terms.

7. In view of the disposal of the Revision, pending Interim Application does not survive and the same is also disposed of.

(PRITHVIRAJ K. CHAVAN, J.)