

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

**CRIMINAL REVISION APPLICATION NO.205 OF 2021**

**WITH**

**INTERIM APPLICATION NO.2693 OF 2021  
IN  
CRIMINAL REVISION APPLICATION NO.205 OF 2021**

Sanket Subhash Naik  
versus  
The State of Maharashtra & Anr.

.... Applicant  
.... Respondents

.....

- Mr. Naina P. Boraste a/w Shubham Jangam a/w G. R. Agrawal, Advocate for Applicant.
- Mr. Jayendra Khairnar a/w Mufeez Ansari, Advocate for Respondent No.2.
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 11<sup>th</sup> OCTOBER, 2023**

**P.C. :**

1. The Applicant was the original accused in Summary Criminal Case No.1286 of 2017 before the Judicial Magistrate First Class, Nashik Road. The prosecution was in respect of dishonour of cheque dated 17/07/2017 for Rs.1,00,000/-. It was given as a part payment of the arrears in respect of leave and

license agreement. The complainant was the owner of the premises. That cheque was dishonoured and therefore the prosecution was launched.

2. At the conclusion of the trial, the Applicant was convicted for commission of offence punishable u/s 138 of the Negotiable Instruments Act and was sentenced to suffer rigorous imprisonment for six months. He was also directed to pay compensation of Rs.1,20,000/- and in default to suffer simple imprisonment for three months.
3. The Applicant challenged that order before the Court of Sessions at Nashik, vide Criminal Appeal No.97 of 2020. That Appeal was dismissed and therefore, the Applicant has preferred the present Criminal Revision Application challenging both the orders.
4. There were other proceedings pending between the Applicant and the complainant as well as between the Applicant and the complainant's son. In all those matters, the Applicant was convicted and his Appeals were dismissed. During pendency

of the present Revision Application, the Applicant deposited the amount which he was directed to pay by the Trial Court in all these matters. That amount was deposited in this Court.

5. Today, the learned counsel for the Respondent No.2 i.e. the original complainant has filed an affidavit. It is mentioned in that affidavit that the Applicant has deposited the entire compensation amount. The complainant was permitted to withdraw that amount. But as of today, the complainant has not withdrawn the amount. It is specifically mentioned in the affidavit that the complainant i.e. the Respondent No.2 herein does not wish to proceed against the Applicant and permission be granted for compounding the offence, with the permission to the Respondent No.2 to withdraw the compensation amount forthwith.

6. Learned counsel for the Applicant also seeks permission to compound the offence as he has already deposited the compensation amount and he does not wish to proceed on the merits of the matter.

7. Considering this situation, since the matter is settled, permission is granted to compound the offence. When the Court raised the question of deposit of cost, learned counsel submitted that his business has badly suffered and he is in a bad financial condition. With great difficulty, he could arrange to deposit the compensation amount. He further submitted that his father has recently undergone a brain surgery, that has caused heavy expenses. Therefore, the Applicant is in no position to pay the cost as he would require some more funds for post-operative care and treatment of his father.

8. Considering these submissions, on humanitarian grounds, I am not imposing any cost on the Applicant.

9. Hence, the following order :

### **ORDER**

- (i) The order dated 17/03/2020 passed by the Judicial Magistrate First Class, Nashik Road, in Summary Criminal Case No.1286 of 2017 as

well as the order dated 18/09/2021 passed by the Additional Sessions Judge, Nashik, in Criminal Appeal No.97 of 2020 are set aside. The offence is permitted to be compounded and therefore the Applicant is acquitted in the present proceedings.

- (ii) The Respondent No.2 is permitted to withdraw the amount of compensation as per rules and procedure pertaining to this case, which the Applicant has deposited in this Court.
- (iii) The Revision Application along with its Interim Application are disposed of.

**(SARANG V. KOTWAL, J.)**