



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPR) NO. 07/2022
IN
CRIMINAL REVISION NO. 177/2018

Navalsing Mansing Jadhao

.. Applicant

versus

Rajendra Baburao Ubale

.. Respondent

.....
Mr.S.U.Bhuyar, Advocate for the applicant

Ms.A.R.Sharma, Advocate for the Respondent
.....

CORAM: ANIL L. PANSARE, J.
DATED : 23rd October, 2023.

PC:

Heard.

2. On the previous date i.e. 16.10.2023, the following order
was passed :-

“ The Applicant has, in the year 2022, filed application
under Section 147 of the Negotiable Instruments Act and is
seeking time of one month to deposit remaining amount of Rs.
90,000/-.

2. It is surprising that despite filing application for
compounding the offence, the Applicant has not even made
arrangement to deposit/pay the remaining amount of the
cheque. Nonetheless, the Applicant has sought one month's
time to deposit the remaining amount as also 15% of the
cheque amount, in terms of the law laid down by the Hon'ble
Apex Court in the case of Damodar S. Prabhu v/s. Sayed
Babalal H: 2010 (5) SCC 663. Time granted, strictly as a last
chance.

3. Stand over to 16th October, 2023.

4. *It is made clear that if the amount is not deposited as assured, this Revision Application will be finally heard on the next date with clear understanding that no adjournment will be granted. Revision Application will be decided whether or not the Applicant remains present in the Court.”*

Learned counsel for Applicant submits that this order has been complied.

The learned counsel for non-applicant agrees with the said proposition.

Parties to remain present before the Court on 23.10.2023.”

3. The parties along with their respective Advocates are present before the Court. Having interacted with the parties and having heard the learned counsel for the respective parties, it appears that the matter has been settled between the parties. The complainant has no objection if the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (in short, “N.I.Act”) is compounded. The applicant/accused is said to have deposited 15% of the cheque amount as well, in terms of the aforesaid order.

4. In view of the above and for the reasons set out in the Application, the following order is passed:-

ORDER

(i) Revision Application No.177/2018 so also the APPR No.7/2022 seeking compounding of offence u/s 147 of the N.I.Act, both are allowed.

(ii) The offence u/s. 138 of the N.I.Act stands compounded.

(iii) The judgment and order dated 05.09.2018 passed by learned Sessions Judge, Buldana in Criminal Appeal No.55/2013; so also judgment and order dated 16.07.2013 passed by learned Judicial Magistrate First Class, Court No.5, Buldana in Summary Cri.Case No.1346/2011, both are quashed and set aside.

(iv) The applicant -Navalsing Mansing Jadhao stands acquitted of the offence punishable u/s 138 of the N.I.Act.

(v) The Non-applicant/respondent is permitted to withdraw the amount deposited by the applicant in the Court.

[ANIL L. PANSARE, J.]

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