

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

CRIMINAL REVISION APPLICATION NO. 258 OF 2019

Shri Sameer s/o Mahendrabhai Shah
Aged about 45 years, Occ: Business,
Proprietor of New Tech Veneers,
M/223, Greater Kailash-II, New Delhi.

...APPLICANT

---VERSUS---

Dhansukhlal s/o Shyji Patel
Aged 52 years, Occ: Business,
Resident of Lakadganj, Nagpur
Proprietor of M/s Girnar Timbers
Plot No.643, Chikli Layout, Kalamna road,
Nagpur-440008.

...NON-APPLICANT

Shri A.R. Prasad, Advocate for applicant.
Shri K.B. Dave, Advocate for non-applicant.

CORAM : G.A. SANAP, J.
DATE : JANUARY 09, 2023.

ORAL JUDGMENT :

. Heard learned advocate for the applicant and learned advocate for the non-applicant. Perused the record and proceedings.

2. The applicant has filed compromise pursis dated 16.12.2021. The parties, as per this pursis, have prayed for compounding of the offence. It is seen that after filing of this pursis

the applicant could not deposit the amount within time and therefore the applicant filed an application for extension of time. The non-applicant has filed reply to the said application and opposed the application and contended that terms of the compromise were not acted upon by the applicant.

3. Learned advocates for the parties submit that now amount of ₹8,50,000/- has been paid, as per the settlement. Learned advocate for the non-applicant submits that out of this amount sum of ₹2,12,500/- was deposited in the trial Court by the applicant. Learned advocate further submits that non-applicant may be allowed to withdraw the same.

4. Since parties have settled the matter, the permission for withdraw the said amount is granted. It is further made clear that if the amount is deposited in a fixed deposit, as per the order of the Court, then interest accrued on the same amount, if any, be paid to the non-applicant.

5. The settlement terms are confirmed by the learned advocates for the parties. The parties have acted upon settlement terms. Therefore, the order passed by the learned Additional

Sessions Judge dated 29.07.2019 in Criminal Appeal No.258/2015 is set aside.

6. The applicant was sentenced to undergo rigorous imprisonment for two months. He was further sentenced to pay compensation of ₹8,50,000/- and in default, to suffer rigorous imprisonment for further two months. The order of conviction and sentence is set aside.

7. The applicant-Sameer s/o Mahendrabhai Shah is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

The application stands disposed of.

JUDGE

Wagh