



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

Criminal Application (APPR) No. 374 of 2023

and

Criminal Revision Application No. 112 of 2022

[Amrut Namdeorao Kanherkar ..vs.. Prakash Digambar Sangekar]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. K. Gurbude, Advocate h/f Mr. N. B. Bargat, Advocate for applicant
Mr. P. S. Tembhare, Advocate for the non-applicant

CORAM : ANIL L. PANSARE J.

DATED : 30-11-2023

On 2-11-2023, following order was passed.

“Both the learned counsel submit that the matter has been amicably settled between the parties.

Parties are present in the Court and they submit that they have settled the dispute. The application seeking compounding offence will be filed on next date.

The respondent - original complainant has no objection if the offence is compounded. The learned counsel make a request to grant exemption to the parties on next date. Exemption granted.

Stand over to 7-11-2023.”

2. Learned counsel appearing for the parties have tendered across the bar application seeking compounding of offence punishable under Section 138 of the Negotiable Instruments Act. Same is taken on record.

3. Learned counsel submit that the applicant has deposited with this Court an amount of Rs. 1,50,000/-.

The non-applicant has shown willingness to settle the dispute for Rs. 1,25,000/-. Accordingly the non-applicant has undertaken to withdraw an amount of Rs. 1,25,000/- out of the deposited amount of Rs. 1,50,000/-.

4. Learned counsel submit that the cheque under question was for Rs. 3,00,000/-. The applicant - accused will have to pay 15% of the cheque amount towards costs of litigation to be paid to High Court Legal Services Sub-Committee, Nagpur in terms of law laid down in the case of *Damodar S. Prabhu Vs. Sayed Babalal H. [2010(5) SCC 663]*, which amount comes to Rs. 45,000/-. Learned counsel submit that Rs. 25,000/-, that remained after withdrawal of Rs. 1,25,000/- by the respondent – complainant, can be adjusted towards amount of costs to be paid to High Court Legal Services Sub-Committee. In addition, the applicant will deposit Rs. 20,000/- but for that purpose, permission of the Court is required. Permission is granted.

5. The applicant shall deposit amount of Rs. 20,000/- within seven working days and only upon depositing the said amount, the offence punishable under Section 138 of the Negotiable Instruments Act shall stand compounded. Order accordingly.

6. If the amount is not deposited within seven working days, list the application immediately thereafter.

7. The non-applicant – complainant is permitted to withdraw amount of Rs. 1,25,000/- out of the deposited

amount only upon depositing amount of Rs. 20,000/- by the applicant within seven working days.

8. The applications are disposed of in above terms.

(Anil L. Pansare, J.)

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