



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3007 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 278 OF 2023
WITH
CRIMINAL REVISION APPLICATION NO. 278 OF 2023

Mishrilal Habusing Naik,
Age : 43 years, Occu. : Labour,
R/o. Khadki, Tq. Jamner,
Dist. Jalgaon.

... Applicant

Versus

1. Sustainable Agro Commercial Finance Ltd.
Jalgaon Office 14, 15, Old B. J. Market,
Jalgaon Through its legal Manager,
Totaram Waghmare,
Age : 38 years, R/o. Jalgaon,
Dist. Jalgaon

2. The State of Maharashtra

... Respondents.

.....
Mr. Girish V. Wani, Advocate for Applicant.
Mr. B. G. Lathe, Advocate for Respondent No.1.
Mr. K. K. Naik, APP for Respondent - State.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 19 NOVEMBER 2024

ORDER :

1. Instant criminal application is pressed into service by praying to stay the effect and operation of judgment and order dated 28.03.2023 passed by learned Additional Sessions Judge, Jalgaon in Criminal Appeal No.72 of 2020 arising out of judgment and order of conviction rendered by learned Judicial Magistrate First Class, Jalgaon.

2. Learned counsel for applicant pointed out that, above Criminal Revision Application No.278 of 2023 was preferred by revisionist challenging judgment and order in criminal appeal passed by Additional Sessions Judge, Jalgaon. That, said appeal before Additional Sessions Judge was in consequence to conviction recorded by learned Judicial Magistrate First Class, Jalgaon in proceedings under section 138 of Negotiable Instruments Act.

3. He further pointed out that, for want of communication from counsel engaged in trial court, matter went without cross examination or without setting up any defence. Therefore, appeal was preferred with application for stay before first appellate court and the same was also granted on condition of depositing Rs.4,50,000/-. That, said amount is already deposited, however, unfortunately, such facts could not be brought to the notice of the first appellate court. That, the receipt of payment is already placed on record vide Exhibit "A-1". Now, Revision Application has been preferred questioning the judgment of both the learned subordinate courts and hence prayers for stay to the effect and operation of impugned judgment under challenge.

4. It is next submitted that, subsequently, matter is compromised and as such respondents have no grievance surviving

and affidavit to that extent has been placed on record by respondent no.1. Learned counsel invited attention of the court to the paragraph no.4 of the affidavit and ultimately submit that in view of such supervening events, now nothing survives and hence submits that Revision Application itself can be disposed off.

5. Learned counsel for respondent no.1 fairly conceded that settlement has been reached at and respondent company has no further grievance as all disputes have come to an end.

6. Considering the above submissions, affidavit of respondent no.1 and statement made across the bar by learned counsel about compromise being forged between the parties, both Revision Application as well as Criminal Application are required to be disposed off.

7. Considering all the relevant aspects, by consent of the learned counsel for the parties, the Revision Application is disposed of, as follows :-

(i) Leave to compound the offence is granted.

(ii) In view of this, the conviction of the applicant, and the sentence imposed upon him, vide order in S.C.C. No. 5504 of 2016 passed by the learned Judicial Magistrate First Class,

Jalgaon, dated 13.03.2020 and as confirmed by the learned Additional Sessions Judge, Jalgaon in Criminal Appeal No. 72 of 2020, dated 28.03.2023, are set aside.

(iii) The applicant stands acquitted. His bail bonds are discharged.

8. The Revision Application and Criminal Application No.3007 of 2023 are disposed of as nothing survives.

(ABHAY S. WAGHWASE, J.)