



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 262 OF 2024
WITH
CRIMINAL APPLICATION NO. 4056 OF 2024

1. Gauri Agri Agency,
Through Proprietor,
Dipak Vitthal Bairagai,
R/o. Shendurni, Tq. Jamner,
Dist. Jalgaon.
2. Dipak Vitthal Bairagi,
Age : 40 years, Occu. : Agri & Business,
R/o. Waki Road, Behind SBI Bank,
Main Branch, Jamner, Tq. Jamner,
Dist. Jalgaon

... Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
2. Kashinath Totaram Patil,
Age : 78 years, Occu. : Agril.,
3. Sudhakar Kashiram Patil,
Age : 47 years, Occu. : Agri.

Both residing at Nandra Pra.
Tq. Jamner, Dist. Jalgaon.

... Respondents.

.....
Mr. Manoj Madhukarrao Kadtu, Advocate for Applicant.
Mr. S. M. Ganachari, APP for Respondent - State.
Mr. Vijay B. Garud, Advocate for Respondent Nos.2 and 3.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 11th DECEMBER, 2024
PRONOUNCED ON : 17th DECEMBER, 2024

ORDER :

1. Heard.
2. Instant revision is at the behest of original accused, who faced trial for offence punishable under section 138 of Negotiable Instruments Act vide S.C.C. No.585 of 2017 before learned Judicial Magistrate First Class, Jamner, who by order dated 20.12.2019 convicted revisionist for above offence. Said order was challenged by accused before Additional Sessions Judge, Jalgaon, vide Criminal Appeal No.71 of 2020. The first appellate court dismissed the appeal by order dated 05.09.2024 upholding conviction.

It is the above judgment and order, which is now questioned vide instant revision before this court praying to quash and set aside both the judgment and orders passed by learned J.M.F.C., Jamner as well as learned Additional Sessions Judge, Jalgaon. Learned first appellate court directed accused to surrender the bail bonds and issued conviction warrant in consequence to which revisionist went in custody.

3. After institution of revision before this court, criminal application was pressed into service setting up prayers for suspension of sentence and grant of bail vide Criminal Application No.4056 of 2024.

4. In above proceedings, the Predecessor of this Court by order dated 01.10.2024 thought it inappropriate to suspend the sentence *ex parte* and issued notice. Papers show that, during the intermittent period, parties reached to a compromise and they drew settlement / consent terms and approached this court to permit compounding. When both learned counsel representing revisionist as well as respondent informed this court about above supervening events of settlement and terms of compromise reached and recorded, on their request, they were referred to learned Registrar (Judicial) for affirmation of terms and conditions vide order dated 11.12.2024. Report of the learned Registrar (Judicial) is received by this court on same day.

5. In view of above developments, learned counsel for revisionist as well as learned counsel for original complainant jointly submitted that, matter is now compounded and settled. Learned counsel Shri Garud for complainant admitted that, in view of above, original complainant has no grievance surviving and that parties are not interested in prosecuting the revision.

6. It is a part of record that, this court was also made aware that revisionist is a cardiac patient and he needs emergent medical care. Consequently, matter is taken up for decision.

7. Now, in view of settlement, which is permissible under Negotiable Instruments Act, even during appeal and revision, there is no reason to refuse the prayers and accordingly proceedings are disposed off by passing following order :-

ORDER

(i) Both, Criminal Revision Application No.262 of 2024 as well as Criminal Application No.4056 are hereby allowed.

(ii) Criminal Revision Application No.262 of 2024 stands disposed off as settled.

(iii) Impugned judgment and order passed by learned J.M.F.C. Jamner, dated 20.12.2019 in S.C.C. No.585 of 2017 as well as judgment and order passed by learned Additional Sessions Judge, Jalgaon dated in Criminal Appeal No. 71 of 2020, are hereby set aside.

(iv) Applicant be set at liberty forthwith, if not required in any other case.

(v) Parties to act on authenticated copy of this order.

(ABHAY S. WAGHWASE, J.)