

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.115 OF 2007
WITH
CRIMINAL APPLICATION NO. 4060 OF 2024

M/s. Arunkumar Vishwanathappa Devane,
Through it's Proprietor
Shri Umakant s/o Vishwanath Devane,
Age : 50 years, Occu. Business,
R/o. Devane Building, Opp. Bhatambre Hospital,
Near Ratnadeep Theatre, Majge Nagar,
Latur.

..Petitioner

VERSUS

M/s. Shranikumar Himmatlal and Company
Through it's Proprietor.
Shri Lalitkumar s/o Chinubhai Shah,
Age : 54 years, Occu. Business,
R/o. Latur

..Respondent

...

Advocate for Petitioner : Mr. Vikas G. Kodale
Advocate for Respondent : Mr. Mukul Kulkarni

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 25, 2024

ORDER :-

1. Not on board. Taken on board.
2. Heard the respective counsels.
3. Both parties are present before the Court. The petitioner/accused was convicted of the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer the imprisonment till rising the Court. Both parties state before the Court that they have amicably settled the dispute and nothing is

to be paid or recovered. Hence, the revision application may be disposed of.

4. The parties as per their statement made before the Court, have settled their dispute amicably out of the Court. Since the imprisonment was till rising the Court, it is presumed that he has undergone this imprisonment. However, it is a stigma for the accused. Therefore, in terms of the compromise, the following order is passed :

ORDER

- (i) The revision application is allowed.
- (ii) The judgment and order of the learned Judicial Magistrate First Class, Latur passed in S.T.C.C. No.1600 of 2004 dated 28.04.2005 and the learned Additional Sessions Judge, Latur passed in Criminal Appeal No.40 of 2005 dated 31.01.2007 stand quashed and set aside.
- (iii) In view of the compromise, the petitioner/accused has been acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
- (iv) The surety bonds and bail bonds stand cancelled.
- (v) Record and proceeding be returned to the learned Trial Court, if any.
- (vi) In view of the compromise and above order, the order issuing non-bailable warrant against the applicant dated 05.09.2024 is called back.

(3)

(vii) Criminal Application No.4060 of 2024 stands disposed of.

(viii) Rule is made absolute in above terms.

(S.G. MEHARE, J.)