

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT**

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL REVISION APPLICATION NO.121 OF 2023
WITH
INTERIM APPLICATION NO.1726 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.121 OF 2023**

Bharati Ravindra Muragi

....Applicant

Versus

Drakshayani Shrishail Ghugari and Anr.

....Respondents

Mr. Shantanu Katkar i/b Mr. Om Latpate for the Applicant.

Mr. Abhishek Avachat a/w Mr. Siddhant Deshpande for the Respondent No.1.

Ms. P. P. Bhosale, APP for the State/ for Respondent No.2.

**CORAM : R.N. LADDHA, J.,
HEAD OF THE PANEL**

**H.M. BHOSALE, REGISTRAR,
(JUDICIAL-I), MEMBER**

**D.V. KUTE, DEPUTY REGISTRAR
PERSONNEL, MEMBER**

DATE : 27th JULY, 2024.

P.C. :

1. Not on board. Taken on production board.

2. This revision application is filed against the judgment and order dated 26 April 2023 passed by the Additional Sessions Judge at Gadhinglaj, Kolhapur, in Criminal Appeal No.2 of 2018 and the judgment and order dated 19 December 2017 passed by the Judicial Magistrate First Class, Gadhinglaj, Kolhapur, in Summary Criminal Case No. 187 of 2014, whereby the applicant/accused was convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act').

3. The learned counsel for the contesting parties jointly submit that during the pendency of the present revision application, the applicant and respondent No.1/ the complainant have amicably resolved their dispute and executed consent terms dated 1 February 2024 and have placed on record a copy thereof. The learned counsel for the respondent No.1 submits that respondent No.1 has no objection for setting aside the order and judgment of conviction, affirmed by the learned Additional Sessions Judge in the appeal. The parties are identified by their respective counsel. The consent terms are taken on record and marked as 'X' for identification.

4. The learned APP for respondent No.2/ State submits that appropriate orders may be passed.

5. The offence under Section 138 of the NI Act is limited to two private parties involving in a commercial transaction. However, the intent of the legislature in providing a criminal prosecution for dishonor of cheque is to ensure the credibility of the transactions involving negotiable instruments. It is a settled position in law that Section 138 of the NI Act primarily aims to ensure compensation to the complainant. The NI Act also

allows parties to enter into a compromise, both during the pendency of the complaint and even after the conviction of the accused. Since the parties have amicably settled their dispute, this Court sees no difficulty in setting aside the conviction of the applicant.

6. In view of the above, the judgment and order dated 19 December 2017 passed by the learned Judicial Magistrate First Class, Gadhinglaj, Kolhapur, in Summary Criminal Case No.187 of 2014 and the judgment and order dated 26 April 2023 passed by the learned Additional Sessions Judge at Gadhinglaj, Kolhapur in Criminal Appeal No.2 of 2018, confirming the conviction of the applicant are set aside and the applicant is acquitted. As agreed between the parties, the amount of Rs.2,73,000/- deposited by the applicant/accused with the learned Additional Sessions Court, Kolhapur at Gadhinglaj, is permitted to be released in favour of the first respondent/complainant.

7. Accordingly, the present revision application stands disposed of. In view of disposal of the revision application, pending applications, if any, also stand disposed of.

(D.V. KUTE)
Deputy Registrar
(Personnel)
Member

(H.M. BHOSALE)
Registrar (Judicial-I)
Member

(R.N. LADDHA, J.)
Head of the Panel