

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CR. REVISION APPLICATION. NO. 372 OF 2024

Vinayak Shankar Todkar

... Applicant

vs.

Prabhakar Naiku Kunjire And Anr.

... Respondents

Adv. Makrand Madan Kale :-	Advocate for Applicant.
Adv. Jadhavar Abhay Arjun :-	Advocate for Respondent.
Mr. A. S. Gawai :-	APP for Respondent No. 2-State

CORAM : S. M. MODAK, J.

DATE : 23rd SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for Applicant / convicted Accused and learned Advocate for Complainant. There is conviction by the Court of Judicial Magistrate First Class, Miraj on 24th September 2019 for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 [N. I. Act]. The sentence is as follows :-

(i) Simple Imprisonment for six months and

- (ii) Fine of Rs.1,00,000/- (Rupees One Lakh only).
- (iii) Rs.99,000/- (Rupees Ninety Nine Thousand only) is directed to be paid to Complainant.

2. During pendency of the Appeal the Applicant has deposited Rs. 25,000/- (Rupees Twenty Five Thousand only). It is withdrawn by the Complainant. Thereafter deposit of Rs.1,00,000/- (Rupees One Lakh only) is made. Now parties have settled the dispute. Consent terms are filed. It is taken on record and marked as Annexure-X. Both the parties are present. They have signed alongwith their respective Advocates. They admits contents. The Complainant consenting for setting aside conviction. The Applicant is ready to pay the amount of costs as per judgment in case of *Damodar S. Prabhu vs. Sayed Babalal H.*¹

3. The amount of cheque is Rs. 99,000/- (Rupees Ninety Thousand only). 15% of the amount comes to Rs. 14850/- (Rupees Fourteen Thousand Eight Hundred Fifty only). Learned Advocate for Applicant prays for leniency. Hence the order :-

ORDER

- (i) Order of conviction passed by Judicial Magistrate First Class,

¹ (2010) SCC 663.

Miraj on 24th April 2019 and confirmed by the Appellate Court on 5th July 2024 in Criminal Appeal No. 93 of 2019 for an offence punishable under Section 138 of the N. I. Act is set aside.

- (ii) Revision stands disposed of.
- (iii) Within six weeks the Applicant to pay Rs. 10,000/- (Rupees Ten Thousand only) to Maharashtra Legal Services Authority office.

[S. M. MODAK, J.]

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