

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 194 OF 2020
WITH
INTERIM APPLICATION NO.1198 OF 2020
WITH
INTERIM APPLICATION (ST) 21298 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 194 OF 2020

Dhanshree Rajesh Shukla ... Applicant
Versus
The State Of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 3591 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 194 OF 2020

Amarsinh Jyotirao Jadhav ... Applicant
Versus
Dhanashree Rajesh Shukla & Anr. ...Respondents

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Mr. Kunal D. Ambulkar, Advocate for the Applicant.

Mr. Suyash Sule for Respondent No.2 in Revision Application.

Mr. Arfan Sait, APP for the Respondent - State.

Mr. Amarsinh J. Jadhav, Applicant in Interim Application No.3591 of 2022 is present through V.C.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th JANUARY, 2024.

P.C.:

1. The revision applicant is convicted for offence under Section 138 of the Negotiable Instrument Act vide Judgment and order dated 1st March 2017 passed by the learned J.M.F.C., 22nd Court, Pune in Summary Criminal Case No.11227 of 2024.

2. The revision applicant was sentenced till rising of the Court and to pay fine of Rs.11 Lakhs. The Appeal challenging the judgment of conviction viz. Criminal Appeal No.146 of 2017 was dismissed by learned Additional Sessions Judge, Pune vide Judgment and order dated 3rd March, 2020.

3. It is submitted that the parties have resolved the dispute. The offence can be compounded. The revision applicant had deposited the amount of Rs.2,50,000/- in the Sessions Court during pendency of the appeal which was withdrawn by the complainant. Amount of Rs.3,00,000/- was deposited in this Court during pendency of the revision application which is also withdrawn by the complainant. The complainant has filed application for compounding the offence under Section 147 of the Negotiable Instrument Act. The complainant is present in the Court through Video Conferencing. He has no objection for allowing Revision application by compounding the offence under Section 138 of Negotiable Instruments Act.

4. Another complaint is filed by Respondent/Complainant against husband of Revision applicant Shri. Rajesh Shukla. He was convicted vide Judgment and order dated 1st March 2017. Conviction is confirmed by appellate Court.

5. MOU has been executed between complainant and applicant and her husband and amount of Rs.4 Lakhs was given to complainant. The complainant has filed Affidavit giving no objection for allowing Revision Application.

6. It is submitted that apart from the amount withdrawal by complainant, the amount of Rs.4 Lakhs in respect to both complaints has been given to complainant as per MOU.

7. Considering the fact that the parties have settled the dispute and the amount is paid to the complainant, the application for compounding the offence in accordance with Section 147 of the Negotiable Instrument Act can be allowed.

ORDER

- i. Criminal Revision Application No.194 of 2020 is allowed;
- ii. Interim Application (St) No. 21298 Of 2023 is allowed;
- iii. Impugned Judgment and order dated 1st March 2017 passed by the learned J.M.F.C., 22nd Court, Pune in Summary Criminal Case No.11227 of 2024 and confirmed by the Appellate Court vide Judgment and order dated 3rd March, 2020 passed in Appeal No.146 of 2017 is quashed and set aside and the applicant is acquitted for offence under Section 138 of the Negotiable Instrument Act.
- iv. Criminal Revision Application and all Interim Applications are disposed of.

(PRAKASH D. NAIK, J.)