



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPR) NO.121 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.254 OF 2022

(Arvind s/o Shriramji Kamble Vs. Sachin s/o Arvind Pahariya)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Raman N. Meshram, Advocate for Applicant.
Mr. S. U. Bhuyar, Advocate for Non-Applicant.

CORAM: M. W. CHANDWANI, J.
DATE: 5th JANUARY, 2024.

The parties to the proceedings have jointly filed application for permitting to compound the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I. Act') and for setting aside the impugned judgment dated 11.08.2016 passed by the Judicial Magistrate First Class, Bhadrawati, District Chandrapur in Summary Criminal Case No.195/2007.

2. The applicant herein has been convicted by the learned J.M.F.C., Bhadrawati in Summary Criminal Case No.195/2007. Thereafter an unsuccessful attempt by way of Criminal Appeal No.21/2016 was made by the applicant before the learned Additional Sessions Judge, Warora, District Chandrapur. The order dated 27.07.2022 passed in Criminal Appeal No.21/2016 dismissing the appeal, has

been challenged by way of the present revision application. Now, the parties have come up with a settlement and seek permission to compound the offence and set aside the impugned order.

3. Needless to mention here that the offence is compoundable. The applicant is ready to pay 15% of the cheque amount towards costs as per the decision in the case of *Damodar S. Prabhu v. Sayed Babalal H.* reported in *(2010) 5 SCC 663*. The matter has been settled between the parties. In view thereof, permission granted to compound the offence punishable under Section 138 of the N.I. Act. Accordingly, the application is allowed.

4. The order of learned J.M.F.C. dated 11.08.2016 in Summary Criminal Case No.195/2007 thereby convicting the applicant is hereby set aside.

5. The applicant is acquitted for offence punishable under Section 138 of the N.I. Act. The applicant shall deposit 15% of the cheque amount towards costs with High Court Legal Services Sub-Committee, Nagpur.

6. The criminal revision application is disposed of in the aforesaid terms.

7. It is reported that the amount of Rs.28,000/- is lying before the Additional Sessions Judge, Warora to which

the non-applicant is entitled to withdraw the same. The applicant is permitted to apply for withdrawal of the said amount.

8. The matter be listed after two weeks for reporting the compliance.

(M. W. CHANDWANI, J.)

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