



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

CRIMINAL APPLICATION [APPR] NO.30 OF 2024

IN

CRIMINAL REVISION APPLICATION NO.83 OF 2021

[M/s. New Planet (Partnership Firm) and others .vs. M/s. Shriram City Union Finance Limited]

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

Court's or Judge's orders

Ms. Shreya H. Bhagat, Adv. h/f Mr. P.R. Agrawal, Advocate for Applicants,
Mr. R.V. Shah, Advocate for Non-Applicant.

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CORAM : M.W. CHANDWANI, J.

DATE : 27/02/2024.

By this application, the applicants are seeking to compound the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. The contention of the learned counsel for the applicants is that the matter has been settled between the applicants and the non-applicant.

3. The learned counsel for the non-applicant submits that the matter has been settled on the condition that the compensation amount deposited by the applicants will be paid to the non-applicant and accordingly they have given no objection.

4. In view of this, the permission is granted to compound the offence.

5. The application is allowed and disposed of.

Criminal Revision Application No.83/2021

1. The applicants were convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and they were directed to suffer simple imprisonment for three months and fine of Rs.1,50,000/-. Out of the fine amount, Rs.1,42,500/- was to be given to the complainant as a compensation. The applicants made unsuccessful attempt before the learned Sessions Judge, Amravati by filing the appeal. The orders impugned are carried in this criminal revision application.

2. Since the matter has been compounded and the matter has been settled between the parties on the terms that the amount of Rs.1,50,000/- deposited by the applicants shall be given to the non-applicant, the parties to the application have compounded the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 by filing pursis. Hence, the following order :

ORDER

(i) Criminal Revision Application is partly allowed.

(ii) The impugned judgment and order dated 03.10.2015 passed by the learned Judicial Magistrate, First Class (Court No.2), Amravati and the judgment and order dated 27.09.2021 passed by the learned Sessions Judge, Amravati are quashed and set aside.

(iii) The applicants are acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

(iv) The amount of Rs.1,50,000/- along with accrued interest deposited by the applicants before the trial court shall be paid to the non-applicant.

(v) The Criminal Revision Application is disposed of accordingly.

(vi) Pending applications, if any, stand disposed of.

(M.W. Chandwani, J.)