



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

CRIMINAL APPLICATION (APPR) NO.386 OF 2023 IN
CRIMINAL REVISION APPLICATION NO.156 OF 2022

Ganesh S/o Shyamraoji Chambhare Vs. Prashant Pundlikraoji Bhende

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

Court's or Judge's orders.

Shri G.B. Purohit, Advocate for applicant.
Shri A.S. Dhore, Advocate for non-applicant.

CORAM : M.W. CHANDWANI, J.
DATE : JANUARY 17, 2024.

Heard.

2. The applicant seeks permission to compound the offence punishable under section 138 of the Negotiable Instruments Act (for short, 'N.I. Act'). Needless to mention that by the order dated 18.11.2017 passed by the learned Judicial Magistrate First Class, Hinganghat, District Wardha in Summary Criminal Case No.408/2011, the applicant was convicted for the offence punishable under section 138 of the N.I. Act and he was directed to suffer simple imprisonment for eight months and shall pay compensation of Rs.3,20,000/- to the non-applicant. The applicant made an unsuccessful attempt before the learned Additional Sessions Judge, Wardha by filing Criminal Appeal No.81/2017, thereafter the said conviction is challenge in the present revision application.

3. It is contended that the matter has been settled between the parties and the compensation amount of Rs.3,20,000/- has

already been deposited by the applicant, which will be withdrawn by the non-applicant.

4. The learned counsel for the non-applicant confirms the said settlement and has shown willingness to pay costs out of the compensation to be received by him.

5. In view of this, the parties are permitted to compound the offence. The non-applicant has agreed that he shall pay costs of Rs.20,000/- out of cheque amount in view of judgment of Hon'ble Supreme Court in the case of ***Damodar S. Prabhu Vs. Sayed Babalal H.***¹

6. The application stands disposed of.

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7. In view of compounding of offence, the revision is allowed in the following terms:

8. The judgment and order dated 18.11.2017 passed by the Judicial Magistrate First Class, Hinganghat, District Wardha in Summary Criminal Case No.408/2011 convicting the applicant for the offence punishable under section 138 of the Negotiable Instruments Act is hereby quashed and set aside.

9. The applicant is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act in

¹ 2010(5) SCC 663

Summary Criminal Case No.408/2011.

10. The non-applicant shall be deposit Rs.20,000/- towards costs to the High Court Legal Services Sub-Committee, Nagpur, within two weeks from today.

11. The non-applicant shall be entitled to withdraw amount of Rs.3,20,000/- alongwith accrued interest thereon, which applicant has deposited in different Courts.

12. With this, criminal revision application stands disposed of. Pending criminal application(s) stand(s) disposed of.

13. List the matter after two weeks for compliance.

JUDGE

Wagh