



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 23 OF 2022

Dattarao S/o. Dhondji Chandne,
Age : 61 years, Occu. : Agri.,
R/o. Nandapur, Tq. & Dist. Parbhani. ... Applicant

Versus

Gulabrao S/o. Sopanrao Kadam,
Age : 69 years, Occu. : Agri.,
R/o. Datta Nagar, Jintur Road,
Parbhani, Dist. Parbhani. ... Respondent

.....
Mr. G. J. Pahilwan, Advocate for Applicant.
Mr. Nitin K. Choudhary, Advocate for Respondent.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 28th FEBRUARY, 2025

PER COURT :-

1. Not on board. Upon mentioning taken on board.
2. In this revision, exception has been taken to the judgment and order dated 25.11.2021 passed by learned Additional Sessions Judge-2, Parbhani in Criminal Appeal No.25 of 2017 arising out of judgment and order dated 09.02.2017 passed by learned Judicial Magistrate First Class-2, Parbhani in S.C.C. No.03 of 2016 recording guilt of revisionist for offence punishable under section 138 of the Negotiable Instruments Act, 1881.

3. Learned counsel for applicant pointed out that, above Criminal Revision Application was preferred challenging judgment and order in criminal appeal passed by learned Additional Sessions Judge-2, Parbhani. That, said appeal before Additional Sessions Judge was in consequence to conviction recorded by learned Judicial Magistrate First Class, Parbhani in proceedings under section 138 of Negotiable Instruments Act.

It is next submitted that, subsequently, matter is compromised and as such respondent has no grievance surviving and terms of compromise (consent terms) to that extent has been placed on record. Learned counsel invited attention of the court to the consent terms and ultimately submit that in view of such supervening events, as nothing survives, he prays to dispose of the revision by holding it as settled.

4. Learned counsel for respondent fairly conceded that settlement has been reached at and respondent has no further grievance as all disputes have come to an end.

5. Considering the above submissions and statement made across the bar by learned counsel about compromise being forged

between the parties and parties are present before this court with terms of consent, revision application is required to be disposed of as settled. Hence, the following order :-

ORDER

- (i) Leave to compound the offence is granted.
- (ii) In view of this, the conviction of the applicant, and the sentence imposed upon him, vide order in S.C.C. No. 03 of 2016 passed by the learned Judicial Magistrate First Class, Parbhani, dated 09.02.2017 and as confirmed by the learned Additional Sessions Judge-2, Parbhani in Criminal Appeal No. 25 of 2017, dated 25.11.2021, are set aside.
- (iii) The applicant stands acquitted. His bail bonds are discharged.
- (iv) Criminal Revision Application is accordingly disposed of.

(ABHAY S. WAGHWASE, J.)