



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

974 CRIMINAL REVISION APPLICATION NO. 119 OF 2024

Shaikh Afsar Jumman

Age: 37 years, Occu.: Private Job,
R/o. Near Harish Clinic, Osmanpura,
Chhatrapati Sambhajinagar.

..Applicant

Versus

Sayyad Naeem Syed Qyadeer

Age: 38 years, Occu.: Business,
R/o. Jahagirdar Colony, Near Gol Godown,
Floor Bridge, Chhatrapati Sambhajinagar.

..Respondent

...

Advocate for Applicant : Mr.D.PMadkar h/f. Mr. Deepak S. Manorkar

Advocate for Respondent : Mr. Taquie S.M.

....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 26 FEBRUARY, 2025

PER COURT :-

1. In this revision, exception has been taken to the judgment and order dated 03-04-2024 passed by learned Additional Sessions Judge, Chhatrapati Sambhajinagar in Criminal Appeal No.121 of 2023 arising out of judgment and order dated 24-05-2023 passed by learned Judicial Magistrate First Class (Court No.14), Aurangabad, in S.C.C. No.7956 of 2021 recording guilt of revisionist for offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2. Both the parties and their learned counsel are present.
3. Learned counsel for applicant pointed out that, above Criminal Revision Application was preferred challenging judgment and order passed by learned Additional Sessions Judge, Chhatrapati Sambhajnagar, in criminal appeal. That, said appeal before learned Additional Sessions Judge was in consequence to conviction recorded by learned Judicial Magistrate First Class (Court No.14), Aurangabad in proceedings under section 138 of Negotiable Instruments Act.
4. 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.
5. 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.

6. Considering the above submissions and statement made across the bar by learned counsel about compromise being forged between the parties, 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.7956 of 2021 passed by the learned Judicial Magistrate First Class (Court No.14), Aurangabad, dated 24-05-2023 and as confirmed by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar in Criminal Appeal No.121 of 2023, dated 03-04-2024, are set aside.
- (iii) The applicant stands acquitted. His bail bonds are discharged.

(ABHAY S. WAGHWASE)
JUDGE