



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL APPLICATION NO. 850 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 6 OF 2022

The State Bank of India
(State Bank of Hyderabad)
Through its Branch Manager,
Radheshyam s/o Ashok Sontakke,
Age : 40 years, Occu: Service as Branch Manager,
R/o. SBI Branch at Bhoom, Taluka Bhoom,
District Dharashiv. ... Applicant

Versus

1. Nisar Hamja Pathan,
Age : 55 years, Occu: Agri.,
R/o Shivaji Nagar, Bhoom,
Taluka Bhoom, District Dharashiv.
2. The State of Maharashtra ... Respondents

WITH
CRIMINAL REVISION APPLICATION NO. 6 OF 2022

Nisar Hamja Pathan,
Age : 49 years, Occu: Agri.,
R/o Shivaji Nagar, Bhoom,
Taluka Bhoom, District Osmanabad. ... Applicant

Versus

1. State of Maharashtra
2. The State Bank of Hyderabad
(State Bank of Indna)
Through its Branch Manager,
Sarjerao Trimbakrao Patil,
Age : Major, Occu: Service,
R/o. Bhoom, Taluka Bhoom,
District Osmanabad.

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Mr. Arun V. Rakh, Advocate for Applicant in Criminal Application No. 850 of 2025 and for Respondent No. 2 in Criminal Revision Application No. 6 of 2022.

Mrs. Vaishali S. Chaudhari, APP for Respondent-State in both Applications.

Mr. Ganesh Kore, Advocate for Respondent No.1 in Criminal Application No. 850 of 2025 and for Applicant in Criminal Revision Application No. 6 of 2022.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 10 MARCH 2025

PER COURT :-

1. Learned counsel for the applicant bank as well as learned counsel for the revisionist submits that there is amicable settlement, i.e. in the Lok Adalat, and compromise terms are placed on record. Learned counsel for the bank seeks permission to withdraw the amount deposited by the revisionist in this Court. Learned counsel for the revisionist has no objection for withdrawal of the amount.

2. In view of the above, Criminal Application No. 850 of 2025 is allowed in terms of prayer clause [B] and disposed off accordingly.

3. In view of the compromise arrived at between the parties, revision application is required to be disposed off as settled. Hence the following order :

ORDER

- I. Leave to compound the offence is granted.
- II. The conviction of the applicant Nisar Hamja Pathan, and the sentence under Section 138 of the Negotiable Instruments Act, 1881 imposed on him vide judgment and order dated 25.11.2015 in S.C.C. No. 219 of 2011 passed by learned J.M.F.C., Bhoom, which is confirmed by learned Additional Sessions Judge, Bhoom by judgment and order dated 09.04.2019 passed in Criminal Appeal No. 33 of 2015, is set aside.
- III. The applicant stands acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

[ABHAY S. WAGHWASE, J.]