



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

910 CRIMINAL REVISION APPLICATION NO. 224 OF 2024

Yogesh S/o. Chandrakant Raje,
Age : 49 Yrs., Occu. : Service,
R/o. Plot No.32, Adhishakti,
Pruthviraj Nagar, Near Gadiya Vihar,
Aurangabad.

**.... Applicant
(Accused)**

VERSUS

Ganesh S/o. Rajaram Shejul,
Age : 42 Yrs., Occu. : Business,
R/o. Bhuvi Ananadban,
Gandheli Area, Aurangabad.

**.... Respondent
(Orig. Complainant)**

....
Advocate for Applicant : Mr. Shantanu A. Deshpande
Advocate for Respondent : Mr. K.A. Khole
....

CORAM : ABHAY S. WAGHWASE, J.

Dated : 22nd January 2025

ORDER :-

1. Present revision application is preferred questioning the judgment and order passed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.03/2021, thereby confirming the judgment and order passed by the learned Judicial Magistrate First Class, Court No.19, Aurangabad in S.C.C. No.978/2019, convicting the applicant for offence under Section 138 of the Negotiable Instruments Act.

2. Today, both learned counsel and the respective parties are present before this Court. The appellant and respondent have been duly identified by their respective learned counsel.

3. Statement is made across the bar that, the matter has been amicably settled between the parties in terms of settlement. The copy of terms of settlement is placed on record. The same is marked as 'X' for identification purpose. The respondent has no grievance and both the parties seek matter to be disposed off as settled.

4. Learned counsel for the respondent pointed out that, the applicant has already deposited an amount of Rs.3,90,000/- in the Court. He submits that, as the matter is amicably settled, he may be permitted to withdraw the said amount. The applicant has no objection. In view of above, following order is passed.

ORDER

i) The order of conviction of the applicant and sentence imposed upon him, in S.C.C. No.978/2019, by learned Judicial Magistrate First Class, Court No.19, Aurangabad, dated 14.12.2020 and the order dated 08.07.2024 passed by learned Additional Sessions Judge, Aurangabad in Cri. Appeal No.03/2021 confirming the conviction, are hereby set aside.

- ii) The applicant stands acquitted of the offence punishable under Section 138 of Negotiable Instruments Act.
- iii) The bail bonds of the applicant are hereby discharged.
- iv) The respondent is permitted to withdraw the amount deposited by the applicant in this Court.
- v) In view of terms of settlement, the application stands disposed off.

(ABHAY S. WAGHWASE, J.)

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