



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPLICATION NO. 1495 OF 2025
IN REVN/230/2014

WITH

CRIMINAL APPLICATION NO. 1493 OF 2025
IN REVN/232/2014

WITH

CRIMINAL REVISION APPLICATION NO. 227 OF 2014

WITH

CRIMINAL REVISION APPLICATION NO. 229 OF 2014

WITH

CRIMINAL REVISION APPLICATION NO. 230 OF 2014

WITH

CRIMINAL REVISION APPLICATION NO. 232 OF 2014

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SMT.SAFIYA ALIAS SOFIYA LAXMINARAYAN VENKESHWAR

VERSUS

SHAIKH MAJEEDULLAH BARKATULLAH AND OTHERS

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Advocate for Applicant : Mr. Laharimanohar Dinesh Vakil

APP for Respondent-State : Mr.N.D.Raje

Advocate for original accused no.1 : Mr. N.S. Ghanekar

Advocate for original accused no.2 : Mr.M.M.Joshi

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 02 DECEMBER, 2025

PER COURT :-

1. Criminal Application Nos.1495 of 2025 and 1493 of 2025 are filed by original complainant for withdrawal of the amount.
2. Learned Counsel for original complainant submits that complainant has received Rs.20,00,000/- from Shaikh Khaliluulah Barkatullah (original accused no.2) to the extent of his share.

3. Mr.Ghanekar, learned counsel for original accused no.1 submits that amount, which was to the share of his client Shiakh Majeedullah Barkatullah is already deposited in the Court of Chief Judicial Magistrate, and he has no objection for withdrawal of the same.

4. Prayers are confined to withdrawal of amount, therefore, Criminal Application Nos.1495 of 2025 and 1493 of 2025 are allowed. Applicant/original complainant is permitted to withdraw the amount deposited in the Court of Chief Judicial Magistrate along with interest accrued thereon.

5. Criminal revision application nos.232 of 2014 and 229 of 2014 are preferred by revisionists (original accused nos.1 and 2) challenging Judgment and order dated 06-10-2009 passed in SCC No.4052 of 2003, convicting revisionists for offence under Section 138 of the Negotiable Instruments Act (NI Act).

Criminal revision application nos.227 of 2014 and 230 of 2014 are preferred by revisionists (original accused nos.1 and 2) challenging Judgment and order dated 06-10-2009 passed in SCC No.1850 of 2003, convicting revisionists for offence under Section 138 of the Negotiable Instruments Act.

6. It has been informed that matters are between brothers and sister and matters have been settled *inter se*.
7. Learned Counsel for original complainant has no objection for compounding of offence.
8. In view of above, following order is passed :

ORDER

- (i) The Criminal Revision Application Nos.227 of 2014, 229 of 2014, 230 of 2014 and 232 of 2014 are allowed.
- (ii) Conviction awarded to the revisionists Shaikh Majeedullah Barkatullah and Shaikh Khaliluulah Barkatullah by learned Chief Judicial Magistrate, Aurangabad in SCC No.1850 of 2003 and in SCC No.4052 of 2003 dated 06-10-2009 for offence punishable under Section 138 of the NI Act and confirmed by learned Additional Sessions Judge, Aurangabad on 17-10-2014 in Criminal Appeal Nos.170 of 2009, 171 of 2009, 175 of 2009 and 176 of 2009, stands quashed and set aside.
- (iii) The revisionists stand acquitted of the offence punishable under Section 138 of the N.I. Act. They be released forthwith, if not required in any other case.
- (iv) Criminal Application Nos.1495 of 2025 and 1493 of 2025 are allowed in terms of prayer clause "B" and the same are disposed of.

(ABHAY S. WAGHWASE)
JUDGE