

Ashish

ASHISH
SAHEBRAO
MHASKE

Digitally signed
by ASHISH
SAHEBRAO
MHASKE
Date: 2025.10.14
18:23:04 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO. 17 OF 2025
WITH
CRIMINAL REVISION APPLICATION NO. 18 OF 2025**

Badrivilas Chaturbhuj Kela	... Applicant
V/s.	
State of Maharashtra	... Respondent

Ms. Priya Gondhalekar, (through VC) a/w Mr. Shravan
Telgote, for the applicant.

Mr. Shreyash Yande, (through VC) for respondent no.2.

Mr. S.R. Agarkar, APP for respondent – State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 14, 2025

P.C.:

1. Learned Advocate for the applicant has produced on record copies of the applications filed below Exhibits 47 and 45. These documents clearly show that the original complaints filed under Section 138 of the Negotiable Instruments Act have been withdrawn by the complainant himself. The withdrawal applications are supported by the complainant's own signature and are duly verified by the concerned Court. Hence, there remains no dispute regarding the authenticity of the said withdrawal.

2. The said orders of withdrawal are accordingly taken on record and are marked as Exhibit 'X' for identification. These documents form credible evidence on record showing that the very

foundation of the prosecution, namely the complaint under Section 138 of the NI Act, no longer survives.

3. Once it is established that the original proceedings have been withdrawn by the complainant of his own accord, the continuation of the present revision applications would serve no purpose. The object of a revision proceeding is to test the correctness or legality of an existing conviction or order. When the main proceedings themselves are withdrawn, there remains nothing for this Court to examine on merits. Therefore, both the revision applications are rendered infructuous and deserve to be disposed of accordingly.

4. In the present case, the conviction of the applicant arose from the complaints under Section 138 of the NI Act which now stand withdrawn. The withdrawal of the complaints extinguishes the very cause of action for the offence alleged. Hence, the continuation of the conviction would amount to sustaining a criminal liability that no longer has a legal basis. Once the complainant withdraws his complaint, the substratum of the prosecution vanishes. In such a situation, the judgment and order of conviction passed by the learned Magistrate on 19 September 2017, and the order of confirmation passed by the learned Sessions Court on 8 November 2024 in Criminal Appeal Nos. 499 and 500 of 2017, cannot stand.

5. Accordingly, in view of the withdrawal of the original complaints under Section 138 of the NI Act, the said judgments and orders are hereby set aside. The conviction of the revision applicant stands quashed. The applicant is discharged of all

liabilities arising from the said complaints. The bail bonds, if any, stand cancelled.

6. The applications are thus disposed of in the above terms.

(AMIT BORKAR, J.)