



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.100 OF 2024

Vivek s/o Narayan Naitam

Vs.

The Gadchiroli Nagari Sahakari Bank Gadchiroli through Sanjay Bhagwan
Potwar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. A. Deo, Counsel for the applicant.

Mr. P. S. Tidke, Counsel for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/01/2025

1. The present revision application is filed challenging the Judgment and order dated 26.06.2024 passed by the learned Sessions Judge, Gadchiroli, District Gadchiroli, in Criminal Appeal No.10/2022 whereby the learned Sessions Judge, Gadchiroli pleased to dismiss the appeal and confirmed the Judgment and order of conviction dated 01.04.2022 passed by the learned Judicial Magistrate First Class, Gadchiroli, District Gadchiroli in Summary Criminal Case No.146/2018 whereby the learned trial Court was pleased to convict the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'the N.I.Act') and directed to suffer rigorous imprisonment for a period of one year and further directed to pay

compensation of Rs.6,00,000/- to the respondent complainant with a period of two months.

2. Being aggrieved and dissatisfied with the same, the present revision is filed by the accused. During the pendency of the present revision application, the applicant and respondent both have decided to settle the dispute amicably and they arrived at a settlement. As per the settlement the applicant and the respondent have agreed to settle the dispute amicably for a sum of Rs.7,50,000/- as a full and final settlement amount.

3. Out of the amount of Rs.7,50,000/-, an amount of Rs.6,00,000/- is already deposited by the applicant before the learned trial Court pursuant to the order dated 04.07.2024. The respondent shall be entitled to withdraw the said amount deposited with the trial Court, in a view of the amicable settlement arrived between the parties to the revision.

4. Towards the remaining amount of Rs.1,50,000/-, the applicant had issued a bankers cheque bearing No.089719 dated 10.01.2025 drawn on State Bank of India, Devendra Nagar Branch, Nagpur which is accepted by the authorized person of the respondent bank namely Sanjay Bhagwan Potwar.

5. The respondent further submitted that upon receipt of the bankers cheque as mentioned in Clause (c), it shall have no objection if the punishment imposed upon the applicant by the learned Courts below is set aside and the applicant is acquitted for the offence punishable under Section 138 of the N. I. Act.

6. Considering the bankers cheque was issued, which would be honoured, and the applicant as well as the authorized person of the respondent are present before the Court. They both are inquired and the terms of the settlement are verified from them. Both have agreed for the terms of the settlement. In view of that, the revision application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The Judgment and order passed by the learned Judicial Magistrate First Class, Gadchiroli in Summary Criminal Case No.146/2018 by which the applicant was convicted and confirmed by the learned Sessions Judge, Gadchiroli in Criminal Appeal No.10/2022 is hereby quashed and set aside.

(ii) The applicant is acquitted from the charges punishable under Section 138 of the Negotiable Instruments Act in view of the settlement recorded by this Court.

(iii) The respondent is at liberty to withdraw the amount which is already

deposited by the applicant before the learned trial Court and the amount be disbursed to the authorized person of respondent on due identification and verification.

7. The revision application is disposed of.
8. Pending application(s), if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)