IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 212 OF 2017

RAZZAK S/O. MAULASAHEB DHONGADE (RAZZAK MUSA NIZAM)

VERSUS

SHAFIUDDIN S/O. NIHAL AHMED

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Shri Patil Kalyan V., Advocate for the Applicant.
Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Respondent.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 08 October 2026

P. C. :-

1. Heard the learned advocates for the respective parties.

2. Vide the impugned judgment and order dated 20.09.2010 passed by the learned JMFC, Aurangabad, in SCC No.1766/2007, the applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer simple imprisonment for three months. In addition to the aforesaid imprisonment, the applicant was also directed to pay compensation of Rs.1,85,000/- to the complainant within one month and in default, to suffer simple

imprisonment for 15 days. Being aggrieved by the said judgment and order, the applicant preferred Criminal Appeal No.231/2010 before the learned Additional Sessions Judge-13, Aurangabad, which came to be dismissed vide the judgment and order dated 11.08.2017 thereby, upholding the impugned judgment and order passed by the learned JMFC. Hence, the applicant has filed the instant revision application.

3. The learned advocate for the applicant submits that in pursuance to the aforesaid conviction and sentence, the applicant has already undergone 44 days imprisonment. The applicant is aged about 51 years. The applicant has already deposited the amount of compensation, which has been withdrawn by the complainant. Since the maximum period of sentence has already been undergone and the applicant has also deposited the amount of compensation, therefore, appropriate orders may be passed in this revision application.

4. The learned advocate for the respondent/ complainant does not dispute the above position of deposit and withdrawal of the compensation amount. However, he submits that the cheque amount was for Rs.1,85,000/- and the

complainant has received this amount after the period of almost 15 years. For the purpose of recovery of the said amount, the complainant was unnecessary indulged in litigation and had to suffer lot of trouble and hurdles. After the period of 15 years, the complainant has received the amount without any excess amount towards compensation for pursuing the proceedings. The learned advocate, therefore, submits that the applicant may be directed to pay some more amount.

5. After hearing the parties and perusing the record, I found that there are concurrent findings against the applicant and there is no illegality or perversity in the impugned judgments. Having regard to the limited scope of revisional jurisdiction under Section 397 of the Code of Criminal Procedure, this Court would not ordinarily interfere with concurrent findings of fact unless the findings are shown to be perverse, manifestly erroneous, illegal or resulting in miscarriage of justice. On independent consideration of the evidence on record, I find that the findings recorded by the Courts below are based on evidence available on record and cannot be said to be perverse or manifestly illegal. Thus, I am of the opinion that there is no merit

in the instant Criminal Revision Application.

6. However, the grievance of the complainant also needs to be taken into consideration. Although the cheque amount is recovered by the complainant, however, time of 15 years was consumed in the proceedings. So as to meet the suffering of the complainant, it is necessary to direct the applicant/ accused to deposit the amount of Rs.50,000/- in this Court within a period of four weeks.

7. Further, considering the facts of this case that the applicant has already undergone 44 days sentence and has also paid the compensation amount as directed by the Trial Court and is further directed to pay an amount of Rs.50,000/-, therefore, instead of directing the applicant to suffer remaining imprisonment, his sentence is modified to what he has already undergone, the compensation already paid and further deposit of Rs.50,000/-. Hence, I pass the following order:-

ORDER

(a) The Criminal Revision Application is partly allowed.

(b) The conviction of the applicant imposed vide the impugned judgment and order is maintained. However, the substantive sentence imposed upon the applicant is modified and, instead of directing him to suffer remaining imprisonment, he is released on the basis of the period of imprisonment already undergone by him, the compensation already paid by him and subject to the condition of depositing additional amount of Rs.50,000/- as directed under this order.

(c) The applicant is directed to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) in this Court within a period of four weeks from today.

(d) After deposit of the aforesaid amount, the complainant is at liberty to withdraw the said amount.

(e) The bail bond, if any, stands cancelled and the surety, if any, stands discharged.

(f) Record and proceedings be returned to the concerned Court.

kps (SUSHIL M. GHODESWAR, J.)