This order is corrected pursuant to Speaking to Minutes order dated 05.11.2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL REVISION APPLICATION NO.363 OF 2026

Vishal Parmeshwar Gadekar

VERSUS

The State Of Maharashtra And Another

.....

Shri. Prashant Madhav Nagargoje, Advocate for Applicant
Shri. S. A. Gaikwad, APP for Respondent – State.
Shri. Yogesh Bolkar, Advocate for Respondent No.2

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 02.11.2026

PER COURT :

. Heard the learned Advocate for the Applicant and the learned Advocate for Respondent No.2 – Orig. Complainant.

2. The present Criminal Revision Application has been filed by the Original Accused against the Judgment and Order passed by the Additional Chief Judicial Magistrate, Court No.12, Dist. Aurangabad in Summary Criminal Case No.1700/2013 dated 23.01.2020 convicting the Applicant – Accused for the offence punishable under Section 138 of the Negotiable Instruments Act and the Judgment and Order dated 09.10.2024 passed by the Additional Sessions Judge, Aurangabad in Criminal Appel No. 34/2020 thereby confirming the conviction awarded by the learned Trial Court.

3. The Revision Application is accompanied by the delay Application wherein there is a delay of almost 645 days which has already been allowed by this Court.

4. The learned Advocate for the Applicant as well as the learned Advocate for the Respondent jointly submit that, the parties have entered into amicable settlement and the entire amount which is due and payable under the Judgment and order of the Trial Court has been paid by the Applicant to the Respondent – Complainant. The amount has been deposited in the Registry of this Court by way of Demand Draft, the details of which are as under :

(a) Demand Draft bearing No. 506930, dated 21.10.2026 for an amount of Rs. 5,00,000/-, drawn on the Union Bank of India in favour of the Registrar, High Court, Bench at Aurangabad.

(b) Demand Draft bearing No. 020122, dated 22.10.2026, for an amount of Rs. 1,43,000/-, drawn on the State Bank of India in favour of the Registrar, High Court, Bench at Aurangabad.

5. The learned Advocate for the Respondent No.2 – Complainant in addition to his submissions also tenders an Affidavit dated 22.10.2026 wherein he acknowledges the fact that the amicable settlement has taken place and the amount due and payable is deposited towards full and final settlement of his claim arising out of the subject Cheque and the convictions orders. He has further stated that the Complainant has no

objection if this Court permits compounding of the offence punishable under Section 138 of the N.I. Act, allows the present Criminal Revision Application, sets aside the judgments and orders of conviction and sentence passed by the Courts below, and acquits the Applicant. The said Affidavit is taken on record and marked as Exhibit 'A'.

6. The details of the Demand Drafts that have been deposited in this Court by the Applicant aggregating to amount of Rs.6,43,000/- are verified. The Affidavit of Respondent No.2 dated 22.10.2026 is also perused where the specific statement has been made. Thus, I am satisfied that, the parties have amicably settled the dispute between themselves and have decided not to proceed with the present Revision Application further.

7. Taking into consideration the fact that the parties have amicably settled the dispute and that the Applicant has paid the entire amount due and payable in terms of the orders passed by the Trial Court as well as the Appellate Court, I am of the view that no further adjudication of the dispute is required in the present Criminal Revision Application. In view of the settlement arrived at between the parties, and having regard to the provisions of Section 147 of the N.I. Act, I am inclined to permit compounding of the offence. However, it is pertinent to note that the

parties have arrived at a settlement at the fag end of the proceedings, when the matter has reached this Court, after having availed themselves of the entire judicial machinery before the Trial Court as well as the Appellate Court. The parties have, thus, utilised considerable judicial time and resources at various stages of the proceedings. In these circumstances, while permitting compounding of the offence, I deem it appropriate to impose costs upon the Applicant and the Respondent No.2. In view of the above, I pass the following order:

ORDER

(i) The Criminal Revision Application stands allowed.

(ii) The offence punishable under Section 138 of the N.I. Act, is permitted to be compounded under Section 147 of the N.I. Act.

(iii) The judgment and order passed by the learned Additional Chief Judicial Magistrate, Court No.12, Aurangabad in Summary Criminal Case No.1700/2013 on 23.01.2020 and the Judgment and order passed by the learned Additional Sessions Judge, Aurangabad, in Criminal Appeal No. 34/2020 dated 09.10.2024 are hereby quashed and set aside.

(iv) The Applicant stands acquitted of the offence punishable under Section 138 of the N.I. Act.

(v) The Applicant and the Respondent No.2 shall deposit costs of Rs.25,000/- (Rupees Twenty-Five Thousand only) each with the Chief Minister's Relief Fund, the bank account details of which are as follows:

Saving Account No.10972433751
Bank : State Bank of India

Branch : Mumbai Main Branch, Fort, Mumbai – 400001
Branch Code : 00300
IFSC Code : SBIN0000300

The Applicant and Respondent No.1 shall deposit the costs within a period of two (2) weeks from today.

(vi) The Applicant and Respondent No.2 shall place on record their respective payment receipts evidencing deposit of the said costs.

(vii) Both the parties i.e the Applicant and Respondent No.2 shall produce their payment receipts before the Sheristedar of this Court for verification and acknowledgment. The present order shall take effect only upon verification and acknowledgment of the said payment receipts by the Sheristedar.

(viii) Upon verification and acknowledgement of the payment receipts evidencing deposit of the costs as directed above, Respondent No. 2 – Complainant shall be at liberty to withdraw the amount deposited by the Applicant towards satisfaction of the subject cheque, which is lying deposited with the Registry of this Court, upon making an appropriate application before the Registrar of this Court.

(ix) Subject to compliance with the aforesaid directions, the present Criminal Revision Application stands disposed of.

(HITEN S. VENEGAVKAR)
JUDGE

GGP