

Mahadeo Krishna Bhondve. .. Applicant.
vs.
Malhari Mansing Khaire
& Ors. .. Respondents.

Mr. Balasaheb Deshmukh for Applicant.
Mr. S.M. Borkar for Respondents.
Mr. D.P. Adsule, APP., for the State.

CORAM: J.N. PATEL, J.
(VACATION COURT)
DATE: 27TH DECEMBER, 2007.

. This is an application made by the complainant as well as the victim whose revision is pending before this Court in the form of consent terms. The application is signed by the complainant who is personally present before this Court and has been identified by his Advocate Shri S.M. Borkar and confirms that he has signed the consent terms which are in the form of an application for compounding. The learned counsel appearing for the applicant says that

as the applicant is undergoing sentence he could not obtain his signature on the consent terms. But obtained his signature on the vakalatnama and has instructions to compound the offence on the terms and conditions provided in the consent terms.

2. The application/consent terms are taken on record and marked "X" for identification. This Court is satisfied that parties have compounded the offence for which the applicant has been convicted i.e. under Section 138 of the Negotiable Instruments Act and sentenced to suffer R.I. for six months and to pay a fine of Rs. 29000/- to the complainant and in default of payment of fine to further undergo S.I. for two months in addition to substantive sentence as per the judgement and order dated 23.2.2006 passed by the IVth Jt. Civil Judge Junior Division and J.M.F.C. Baramati which has been upheld by the Additional Sessions Judge, Baramati in Criminal Appeal No. 23/06 against which this criminal revision application is filed and pending before this Court.

3. As the complainant and the victim have compounded the offence. The complainant having received the amount of fine, the offence under Section 138 of the Negotiable Act is permitted to be compounded and the applicant stands acquitted of the offence under Section 138 of the Negotiable Instruments Act and be forthwith set at liberty if not required in any other

case. The operative part of the order be communicated by the Registrar Judicial to the Superintendent of Central Prison, Yeravada.

4. The revision application stands disposed of accordingly.

5. The parties to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(J.N. Patel, J.)