

MHKO010027582018

**CRI. APPEAL NO. 117/2018 ORDER BELOW EXH. 1**

This appeal under Section 374 of the Code of Criminal Procedure (Cr.PC.) is directed against the judgment and order dated 05.06.2018 in Sum.Cri.Case No. 3897/2013 delivered by the Ld. Judicial Magistrate First Class (Court No. 5), Kolhapur, whereby the appellant/accused was convicted for the offence punishable under section 138 the Negotiable Instruments Act and sentenced to suffer S.I. for three months and ordered to pay Rs. 7,50,000/- to the complainant / respondent as per section 357(3) of Cr.PC. in default to suffer respondent S.I. for three months.

2. The appeal was referred for mediation and as per the report (Exh. 14) by the Ld. Judge Mediator, the parties have agreed to settle the matter and they have filed compromise pursis (Exh. 17). It is orally submitted by the appellant that he had deposited Rs. 6,00,000/- with the respondent bank and as per document at Exh. 16, no dues certificate has been issued by the respondent bank also. The contents of the pursis have been verified by the Ld. Mediator and this court also.

3. In view of report (Exh. 14) and compromise pursis (Exh. 17) annexed to it, the appeal is permitted to be compounded under Section 147 of the Negotiable Instruments Act. So, the sentence awarded to the appellant / accused by the Ld. Trial Court in Sum.Cri.Case No. 3897/2013 is set aside and the appellant / accused is hereby acquitted of the offence punishable under Section 138 the Negotiable Instruments Act, vide Section 320(8) of the Code of Criminal Procedure. His bail bonds are cancelled. The appeal is disposed of in the abovesaid terms as reflected in the report (Exh. 14) and pursis (Exh. 17). The proceedings are closed. The record and proceedings be forwarded to the Ld. Trial Court.

Date – 06.08.2026

(S. S. Maudekar)
Additional Sessions Judge, Kolhapur