

MHKO010019452024



Cri.Appeal No.34/2024

Order below Exh.1

Appellant is the accused in Summ.Cri.Case No.627/2021. He has been convicted for the offence punishable u/s.138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for 6 months and shall pay compensation of Rs.4,27,685/- within one month to the complainant towards compensation in view of section 357(3) of the Cr.P.C.; in default to suffer simple imprisonment for 2 months vide judgment dated 03-04-2024.

02. As per compromise pursis matter is compromised out of the Court between the parties. Respondent/complainant has no objection to acquit the accused. Both parties and their respective advocates are present before the Court. Accordingly, both parties and their advocates have made signatures on compromise pursis.

03. As the offence punishable under section 138 of the N.I.Act is compoundable in nature as per section 147 of the N.I. Act, the parties are permitted to compound the offence. Hence the order -

Order

A. Appeal is allowed in view of compromise pursis.

- B. Judgment and order dated 03-04-2024, delivered by Judicial Magistrate First Class (Court no.2), Peth-Vadgaon in Summ.Cri.Case No.629/2021, are set aside.
- C. Appellant/accused Ramesh Ramchandra Ganbavale is acquitted of the offence punishable under section 138 of Negotiable Instruments Act.
- D. His personal bond stands cancelled and surety is discharged.
- E. Record and proceeding be sent to the Trial Court alongwith the order.
- F. If any amount is deposited by the appellant in the Trial Court and is still lying there, it be transferred in the account of the respondent by R.T.G.S. mode.

Date : 23-12-2025

(D.V.Kashyap)
Additional Sessions Judge, Kolhapur.