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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2067 OF 2005

Prakash R. Mehta ... Petitioner

Versus

Dilip Ramchand Lakhwani and another ... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 1548 OF 2005**

Dilip Ramchand Lakhwani ... Petitioner

Versus

Prakash R. Mehta and another ... Respondents

Mr. A.S. Khandeparkar i/by M/s. Khandeparkar and Associates for the petitioner in Writ petition No. 2067 of 2005.

Mr. A.R. Patil, A.P.P. for the State in Writ Petition No.2067 of 2005.

Mr. V.M. Talreja for the petitioner in W.P. No. 1548 of 2005.

Mr. D.R. More, A.P.P. for State in W.P. No. 1548 of 2005.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 10, 2015**

P.C.

Mr. Dilip Ramchand Lakhwani who is respondent in Criminal Writ Petition No. 2067 of 2005 and petitioner in Criminal Writ Petition No. 1548 of 2005 was accused in Criminal Case No. 326/S/98 decided by the

Additional Chief Metropolitan Magistrate, 9th Court, Bandra and was facing trial for the offence punishable under section 138 of the Negotiable Instruments Act. He was convicted by an order dated 31st August, 2004 and was sentenced to undergo simple imprisonment for six months and to pay fine of Rs.50,000/-. It was further directed that the amount of Rs.40,000/- to be paid to the complainant Prakash R. Mehta who is petitioner in Writ Petition No. 2067 of 2005 and respondent in Criminal Writ Petition No. 1548 of 2005 by way of compensation. The said order was challenged by the complainant in the Sessions Court by way of Revision Application as the complainant wanted enhancement of the punishment. Accused Dilip Lakhwani also filed an appeal against the order of conviction. The Revision Application and Appeal, both were dismissed by the Sessions Court. It is how the complainant has filed Writ Petition No. 2067 of 2005 and accused had filed Writ Petition No. 1548 of 2005.

2. These two writ petitions are pending since the year 2005. When these petitions came up for hearing before this court, a suggestion was made for an amicable settlement. An amicable settlement has been arrived at with the assistance of the learned counsel for the parties. The petitioner in Writ Petition No. 1548 of 2005 who is respondent in Writ Petition No. 2067 of 2005 and who was accused in original Criminal Case, has given a demand draft of Rs.4,00,000/- to the learned counsel for the complainant Prakash R. Mehta. The accused had deposited Rs.50,000/- in the court of trial Magistrate. In view of an amicable settlement of the dispute, this court passes the following order :

O R D E R

(a) The offence punishable under section 138 of the Negotiable Instruments Act for which accused Dilip Lakhwani was convicted shall stand compounded. Accused Dilip Lakhwani shall stand acquitted of the said offence. The bail bonds, if any, of the accused shall stand cancelled. Accused can apply for refund of cash bail deposited by him before the trial Magistrate.

(b) As already stated, a demand draft of Rs.4,00,000/- has been given to the complainant Prakash R. Mehta. The amount of Rs.40,000/- out of Rs.50,000/- deposited by the accused, shall be paid to the complainant Prakash R. Mehta. Rest of the amount of Rs.10,000/- is the fine amount imposed by the trial Magistrate.

(c) Both the writ petitions accordingly stand disposed of.

(JUDGE)