

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 469 OF 2010
WITH
CRIMINAL REVISION APPLICATION NO. 470 OF 2010
WITH
CRIMINAL REVISION APPLICATION NO. 471 OF 2010**

Hemant Kumar Amratlal Khatri ... Applicant

vs.

The South Indian Co-op. Bank Ltd. & Anr. ... Respondents

Mr. Kapil Dave for the applicant.

Ms. P.P.Shinde, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV,J.

DATED: 22nd June, 2015.

P.C.:

The following order dated 7th May, 2014 passed in Criminal Revision Application No. 468 of 2010 be also passed in the companion Applications indicated above:-

“1) Revision Application is taken up for final hearing. The parties to the Revision have amicably settled the matter. Complainant and accused are present in the Court and are identified by their respective lawyers. They have filed consent terms on record. Learned counsel for the applicant has filed an application seeking permission to compound the offence under Section 147 of Negotiable Instruments Act.

2) Permission is granted. Application is taken on record. Learned

counsel for the applicant submits that application is in the form of consent terms and shall be treated as consent terms. Complainant has settled the dispute by accepting the amount of Rs. 20 lacs by pay order and hence, Revision Application deserves to be allowed. Accused is acquitted of the offence punishable under Section 138 of Negotiable Instruments Act as complainant has settled the terms by accepting Rs.20 lacs by virtue of pay order.

3) Learned counsel for the applicant submits that at the time of admission of appeal before the Sessions Court, applicant had deposited amount of Rs.2 lacs as condition precedent for suspension of substantive sentence. Now that the parties have settled the dispute, applicant would be entitled to withdraw the amount of Rs.2 lacs deposited before Appellate Court. Learned counsel is granted liberty to withdraw the said amount on filing appropriate application. Liberty to withdraw the amount is being granted with the consent and in the presence of the complainant.

Revision Applications are allowed and disposed of accordingly.”

(SMT.SADHANA S.JADHAV, J.)