

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

**CRIMINAL REVISION APPLICATION NO. 528 OF 2015
ALONGWITH
CRIMINAL BAIL APPLICATION NO. 461 OF 2015
(for bail)
AND
CRIMINAL APPLICATION NO. 462 OF 2015
(for suspension of sentence)
IN
CRI. REVISION APPLICATION NO. 528 OF 2015**

Mohammed Ismail Damani

... Applicant.
(Org.Accused)

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Rajendra Shirodkar a/w. Mr. Nihar Ghag i/by Archit Sakhalkar, Advocate for the Applicant.

Mr. S. V. Gajare, APP for Respondent No.1- State.

Mr. Sunil R. Yadav, Advocate for Respondent No.2.

CORAM : A. V. NIRGUDE, J.

DATED : 17th NOVEMBER, 2015

P.C. :

1 This Revision Application alongwith the Criminal Application No. 461 of 2015 for bail and the Criminal Application No. 462 of 2015 for suspension of sentence can be disposed of by this common order.

2 The revision applicant was an accused in a criminal case. He was convicted for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and under section 506 of the Indian Penal Code. His appeal was also dismissed and at present he is in jail. After filing this revision application, the parties have settled the dispute and now the Complainant's Advocate, is also present before the court. He has no objection if the revision alongwith the applications are allowed and the applicant is acquitted. The consent terms are filed in the revision application, duly signed by the parties and their Advocates. The same are taken on record and be marked as "X" for identification.

3 The respondent no.2-complainant is not present before the court today. He is a man of 80 years old. So his son Sameer Pyarali Govani is present before the court and he is identified by the Advocate of the complainant-respondent no.2. He has signed the consent terms on behalf of his father, the complainant.

4 In view of the above development, the revision alongwith both the criminal applications are allowed.

5 The Applicant is acquitted. He be released from the custody forthwith.

6 The Revision alongwith the both the Criminal Applications are disposed of in the above terms.

7 This order shall be produced before the concerned Jail Authorities for release of the applicant.

8 All concerned to act on the authenticated copy of this order.

(A.V.NIRGUDE,J.)

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