

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

CRI. WRIT PETITION NO. 4458 OF 2015

Mr. Bhagwan Abaji Khutwad ... Petitioner.

V/s.

Shri Ramdas Pandurang Kamathe & Anr. ... Respondents.

Mr. Anil S. Kharatmol, Advocate for the Petitioner.

Mr. Bhairav Vitthal Adubalhe, Advocate for the Respondent No.1.

CORAM : A. V. NIRGUDE, J.

DATED : 17th NOVEMBER, 2015

P.C. :

1 This writ petition deserves to be disposed of today due to following development.

2 The Petitioner is the original accused whose appeal against conviction under section 138 of the Negotiable Instruments Act, 1881, was dismissed on 5th November, 2015 by the learned Additional Sessions Judge, Greater Bombay and now he is lodged in jail, undergoing substantive sentence. In the meantime, the parties have settled the dispute. Respondent No.1-Ramdas P. Kamathe is present before this court and he is identified by his Advocate. He stated before the court that he has received the entire amount and he has no

objection if the writ petition is allowed and the petitioner is acquitted.

3 In view of this, the writ petition is allowed.

4 The Petitioner is acquitted of the offence punishable under section 138 of the Negotiable Instruments Act, 1881. He be released from the custody forthwith.

5 This order shall be produced before the concerned Jail Authorities for release of the Petitioner.

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

(A.V.NIRGUDE,J.)

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