

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

**CRIMINAL REVISION APPLICATION NO. 415 OF 2014
WITH
CRIMINAL APPLICATION NO. 356 OF 2014
IN
CRIMINAL REVISION APPLICATION NO. 415 OF 2014**

Milind Bhaguram Salvi .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Mrs. Gulestan M. Dubash for the Applicant.
Mr. Mukesh J. Pabari for Respondent No.2.
Mrs. R.V. Newton, A.P.P. for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th AUGUST, 2015.**

P.C. :

The applicant has challenged the order dated 28.08.2014 in Criminal Appeal No.120 of 2012 whereby the learned Sessions Judge has confirmed the conviction and the sentence imposed upon him by the learned Metropolitan Magistrate, 63rd Court, Andheri, in C.C. No.3869/SS/2006 under Section 138 of Negotiable Instruments Act.

2 During the pendency of this Revision Application, the parties have settled the dispute amicably. They have tendered the consent terms which are duly signed by them and their respective counsels. The said consent terms read as under :

“2. During the pendency of the above mentioned Criminal Revision Application, the matter between the parties has been amicably settled without any undue influence, coercion and pressure. The parties do not wish to pursue the matter and want to compound the offence.

3. That the Respondent No.2 – Mrs. Shraddha Pradeep Sawant has received the entire amount by way of settlement from the Applicant – Mr. Milind Bhaguram Salvi and there are no further dues against the Applicant-Milind Bhaguram Salvi and hence she no objection if the matter is quashed and set aside.

4. The applicant had deposited an amount of Rs.77,000/- before the Ld. 63rd Metropolitan Magistrate Court at Andheri, Mumbai, in C.C. No.3869/SS/2006. The Applicant has no objection and consents that the Respondent No.2 may be permitted to withdraw amount of Rs.77,000/- along with accrued interest deposited in the Ld. 63rd Metropolitan Magistrate Court at Andheri, Mumbai.

5. In view of the above the Respondent No.2 – Mrs. Shraddha Pradeep Sawant voluntarily and on own will has no objection for compounding of offence and for set aside of conviction. ”

3. The applicant as well as Respondent No.2 are present before the Court along with their respective counsels. They have submitted that the consent terms are read over and explained to them and that the said terms are acceptable to them. The consent terms are therefore, taken on record and marked Exh.'X' for identification.

4. In the light of the consent terms, the parties are permitted to compound the offence. Consequently, the impugned judgment dated 28.08.2014 passed by the learned Sessions Judge, Greater Bombay, in

Criminal Appeal No.120 of 2012 and the judgment and order of the Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, dated 03.02.2012 in C.C. No.3869/SS/2006 is quashed and set aside. The applicant is acquitted of offence under Section 138 of the Negotiable Instruments Act. His bail bonds stand cancelled.

5. The learned Metropolitan Magistrate, 63rd Court, Andheri, is directed to pay to the respondent, upon application, an amount of Rs.77,000/- along with accrued interest, deposited by the applicant in C.C. No.3869/SS/2006.

6. At this stage Learned counsel for the applicant submits that applicant is suffering from heart related ailment and is unable to pay 15% of the cheque amount by way of costs. Considering the fact that the applicant is suffering from serious ailments, the costs are reduced to Rs.5,000/-. The applicant is directed to deposit the costs of Rs.5,000/- with the Maharashtra State Legal Services Authority within a period of 10 days.

7. The parties to act upon the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)