

Anand

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

CRIMINAL REVISION APPLICATION NO.51 OF 2015

Ajaykumar Amichand Kharra .Applicant

Vs.

Centurian Bank Ltd. & anr. .Respondents

Mr.M.Parekh, Advocate, for the Applicant

Mr.Arjun Pawar a/w. Mr.S.Patil i/b. M/s.Vivek
Patil & Associates, Advocate, for the Respondent
No.1

Mrs.R.V.Newton, APP, for the Respondent No.2 –
State

Mr.Pramod Kapadi, HDFC, Bank officer for the
Respondent No.1 is present

CORAM : REVATI MOHITE DERE, J.

DATE : 20.06.2016

P.C.

. Learned counsel for the Applicant and
the learned counsel for the Respondent No.1
state that the parties have amicably settled
their dispute. They have tendered the Consent
Terms entered into by and between the Applicant
and the Respondent No.1. The said Consent Terms
are taken on record and marked as "X" for
identification. It appears that the parties have

mutually agreed to settle the dispute and that the Respondent No.1 has agreed to accept a total sum of Rs.60,000/- towards full and final settlement. It is stated that the said amount of Rs.60,000/- has already been paid by the Applicant to the Respondent No.1. From the consent Terms, it also appears that it is mutually agreed by the parties, that the Respondent No.1 shall consent to allow the Applicant to withdraw a sum of Rs.15,000/- which was deposited vide Receipt No.142 Sr.No.68 and a sum of Rs.5,000/- deposited vide Receipt No.141 Sr.No.67 with the learned Judicial Magistrate F.C., Nasik, pursuant to an order dated 04.02.2015 passed by this Court. The Respondent No.1 has also consented to allow the Applicant to withdraw a sum of Rs.17,000/- deposited by the Applicant in the Sessions Court, Nasik at the time of the admission of the Appeal. The Applicant and the authorized representative of the Respondent No.1 are present in the Court

today and have been identified by their respective counsels. The authorized representative of the Respondent No.1, who is present in Court states that he has no objection, if the impugned Judgment and Order passed by the learned Sessions Judge, Nasik dated 31.01.2015 in Cri.Appeal No.92 of 2008 and the impugned Judgment and Order passed by the learned 6th Judicial Magistrate F.C., Nasik dated 09.04.2008 in S.C.C.No.2366 of 2004 are quashed & set aside and the Applicant is acquitted.

2. Having regard to the aforesaid, the Application is allowed on the aforesaid terms. Accordingly, the Judgment and Order dated 09.04.2008 passed in S.C.C.No.2366 of 2004 by the learned 6th Judicial Magistrate F.C., Nasik and the Judgment and Order dated 31.01.2015 passed by the learned Sessions Judge, Nasik in Cri.Appeal No.92 of 2008 are quashed & set aside and the Applicant is acquitted.

3. The Application is accordingly disposed
of.

(REVATI MOHITE DERE, J.)