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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION No.86 of 2016

Office Notes, Office Memorandam of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr B.A. Pawar for the applicants.
Mr K.N. Vakharia for the respondent No.1.
Mr Deepak Thakare, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 7th April, 2016

P.C.

1) The applicants have been convicted under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for six months and to jointly or severally pay compensation of Rs.7,50,000/- to the complainant, in default of payment of compensation to further undergo simple imprisonment for three months by the Metropolitan Magistrate, 14th Court, Girgaon, Mumbai, in CC No.698/SS/2005 by its Judgment and Order dated 16.8.2013. The Criminal Appeal No. 486/2013 preferred by the applicants against the said conviction and sentence has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 7.1.2016.

2) The learned counsel appearing for the respective parties tendered in this Court the Consent Terms dated 7.4.2016 arrived at, between the parties. The said Consent Terms are taken on record and marked 'X' for identification. In view of the said Consent Terms, the applicants and the original complainant-respondent no.1, have settled the dispute amicably and compounded the offence. As per the said Consent

Terms the accused persons to pay an amount of Rs.7,50,000/- to the complainant and as a matter of fact, the said amount is paid by way of cheque. The clause no.6 of the said Consent Terms also provide for costs @ Rs.15% to be paid by the parties in view of the guidelines given by the Supreme Court in the case of Damodar S.Prabhu Vs. Sayed Babalal H. reported in 2010 ALL MR (Cri) 1967 (S.C.). Thus, Consent Terms also provide that the said amount of Rs. 1,12,500/- which is 15% of the amount of compensation shall be payable by the applicants to the Maharashtra State Legal Services Authority, 105, High Court (P.W.D.) Building, First Floor, Fort, Mumbai 400-032. The applicants are hereby directed to pay the amount to the said Authority towards costs of compounding the present offence within a period of two weeks from today.

3) In view of the consent terms filed by the parties herein, the learned counsel for the original complainant submitted that the complainant, as of today, has no grievance of whatsoever nature against the applicants who are the accused persons.

4) In view of the said Consent Terms the applicants are hereby permitted to compound the offence. As the offence is compounded the conviction and sentence imposed upon the applicants by the learned Trial Court by its Judgment and Order dated 16.8.2013, confirmed by the Additional Sessions Judge in the Criminal Appeal No. 486 of 2013 by its Judgment and Order dated 7.1.2016, is hereby quashed and set aside and the applicants are acquitted from the charges levelled against them in the said complaint.

5) The revision application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)