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

CRIMINAL REVISION APPLICATION NO.106 OF 2016

Shalikram Lalchand Gupta

... Applicant

Versus

Pradeep Kumar Lalchand and Anr.

...Respondents

Ms.Aisha Zubair Ansari, for the Applicant.

Mr.Sandeep Mishra, for the Respondent No.1.

Mr.P.H.Gaikwad-Patil, APP for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st DECEMBER, 2016

P.C. :

1 Learned Counsel for the applicant and the respondent No.1 state that the parties have amicably settled their dispute in August, 2016 and have entered into Compromise Terms duly signed by the parties. The applicant and the respondent no.1 are present in person and have been identified by their respective Counsel.

2. Both the applicant and the respondent no.1 have no grievance against each other. The respondent no.1 has received the entire amount, pursuant to the Compromise Terms entered into between the parties. Learned Counsel for the respondent no.1, on the instructions of the

respondent no.1, who is present in Court, states that the respondent No.1 has no objection, to the quashing and setting aside of the impugned judgment and order dated 2nd July, 2014, passed by the learned Judicial Magistrate First Class, (Court No.11), Thane in Case No.11179 of 2011 and judgment and order dated 1st February, 2016, in Criminal Appeal No. 177 of 2014, confirmed by the learned District Judge-6 and Additional Sessions Judge, Thane.

3. Learned counsel for the Applicant states that the Applicant be permitted to withdraw the sum of Rs.2,80,000/- and Rs.50,000/- deposited by the Applicant in the Sessions Court pending his Appeal i.e. Criminal Appeal No.177 of 2014 and a sum of Rs.20,000/- deposited by the Applicant in the learned Magistrate's Court, Thane.

4. Learned counsel for the Respondent No.1 states that he has no objection, if the Applicant is permitted to withdraw the aforesaid amounts deposited by him in the Sessions Court as well as in the trial Court. Accordingly, the Applicant is permitted to withdraw the sum of Rs.2,80,000/- & Rs.50,000/- alongwith accrued interest, if any, deposited

by him in the Sessions Court and a sum of Rs.20,000/- alongwith accrued interest, if any, deposited in the trial Court. Respondent No.1 states that he has received the entire amount and as such, he has no grievance, if the Applicant withdraws the said amounts.

5. In view of the aforesaid, the judgment and order dated 2nd July, 2014, passed by the learned Judicial Magistrate First Class, (Court No.11), Thane in Case No.11179 of 2011 and confirmed by the learned District Judge-6 and Additional Sessions Judge, Thane, vide judgment and order dated 1st February, 2016 in Criminal Appeal No. 177 of 2014, are quashed and set-aside and the applicant is acquitted of the offence with which he is charged.

6. Accordingly, the Revision Application is disposed of on the aforesaid terms.

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

REVATI MOHITE DERE, J.