

Anand

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

REVISION APPLICATION NO.364 OF 2009

Dilip Kondaji Sathe .Applicant

Vs.

Balbirsingh Motiram Punjabi .Respondents
& anr.

Mr.Kuldeep Patil a/w. Mr.Ranjit Patil i/b.
Mr.Sagar Kasar, Advocate, for the Applicant
Mr.D.S.Joshi, Advocate, for the Respondent No.1
Mrs.P.P.Shinde, APP, for the Respondent No.2 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2016

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 Respondent No.1. The said Consent Terms are taken on record and marked as "X" for identification. Both, the Applicant and the Respondent No.1 are present in Court and have

identified their signatures as it appears in the Consent Terms and have also been identified by their respective counsels.

2. As per the Consent Terms, the Applicant and the Respondent No.1 have settled their dispute for a full and final consideration of Rs.8,00,000/-. The Applicant has no objection if the Respondent No.1 withdraws Rs.4,00,000/- deposited by him in the trial Court and the Appellate Court along with interest accrued thereon. Similarly, the Applicant has also given an undertaking, that he will pay the balance sum of Rs.4,00,000/- within two months from today, by Demand Draft drawn in favour of the Respondent No.1.

3. In view of the aforesaid, the Respondent No.1 has also given his no objection, if the impugned Judgments and Orders are quashed & set aside and the Applicant is acquitted of

the offence with which he is charged.

4. In view of the aforesaid, the Application is allowed. The impugned Judgment and Order dated 05.10.2005 passed by the learned JMFC, Nashik in S.C.C.No.2276 of 1996 and the impugned Judgment and Order dated 15.04.2009 passed by the learned Ad-hoc Additional Sessions Judge-1, Nashik in Cri.Appeal No.109 of 2005 are quashed & set aside and the Applicant is acquitted of the offence with which he is charged.

5. The Respondent No.1 is permitted to withdraw a sum of Rs.1,00,000/- deposited by the Applicant in the trial Court and Rs.3,00,000/- which is deposited by the Applicant in the Appellate Court along with interest accrued thereon, on furnishing proof of his identity. The Applicant to abide by the undertaking in particular Clause (3) of the Consent Terms by

making payment of Rs.4,00,000/- to the Respondent No.1 within two months from today.

6. In view of disposal of the Revision Application, Cri.Appln.No.182 of 2014 does not survive and the same stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)