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

CRIMINAL REVISION APPLICATION NO.401 OF 2016

Viraf Fali Kanga

...Applicant

Versus

1. The State of Maharashtra

2. Mukesh Harilal Sidhpura

...Respondents

Mr.J.M.Khajotia, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent-State

Mr.Rakesh Pathak, i/b M/s.Khandeparkar and Associates, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th AUGUST, 2016

P.C. :

1. Heard learned Counsel for the applicant, learned counsel for the respondent no.2 and the learned A.P.P.

2. Learned Counsel for the applicant and the respondent No. 2 state that the parties have arrived at a settlement and tender the Consent Terms, duly signed by the parties. The said Consent Terms are taken on record and marked 'X' for identification. Both the applicant and the

respondent No. 2 are present in Court and have identified their signatures as it appears on the Consent Terms. They have also been identified by their respective Counsel.

3. As per para 2 of the Consent Terms, the applicant has no objection, if the respondent no.2 withdraw the amounts deposited by the applicant in the Sessions Court as well as in this Court. The original receipts have also handed over by the applicant to the respondent no.2. Respondent No.2 acknowledges having received the original receipts.

4. The respondent No. 2 has also given his no objection, to the quashing and setting aside of the impugned judgment and order dated 23rd December, 2015 passed by the learned Metropolitan Magistrate, 14th Court, Girgaum, Mumbai in C.C.No.2142/SS/2005 and confirmed by the learned Additional Sessions Judge, Greater Bombay, vide judgment and order dated 8th July, 2016 in Criminal Appeal No. 58 of 2016.

5. In view of the Consent Terms, the impugned judgment and order dated 23rd December, 2015 passed by the learned Metropolitan

Magistrate, 14th Court, Girgaum, Mumbai in C.C.No.2142/SS/2005 and confirmed by the learned Additional Sessions Judge, Greater Bombay, vide judgment and order dated 8th July, 2016 in Criminal Appeal No. 58 of 2016, are quashed and set-aside and the applicant is acquitted of the offence with which he is charged. The bail bonds of the applicant stands cancelled.

6. Respondent No.2 is permitted to withdraw the amounts mentioned in para 2 of the Consent Terms, on furnishing the proof of his identity.

7. Application is accordingly disposed of on the aforesaid terms.

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

REVATI MOHITE DERE, J.