

Anand

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

REVISION APPLICATION(ST) NO.430 OF 2016

Saleha Fakhi alias Laika Patel .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.K.P.Dave, Advocate, for the Applicant

Mrs.R.V.Newton, APP, for the Respondent No.1 –
State

Mr.Ramakrishnan Palliyil, Respondent No.2-in-
person

CORAM : REVATI MOHITE DERE, J.

DATE : 02.08.2016

P.C.

. Learned counsel for the Applicant and
Mr. Ramakrishnan Palliyil, authorized
representative of Akbar Travels of India Pvt.
Ltd. is present in Court. They state that they
have amicably settled their dispute for a sum of
Rs.2,20,000/- by way of full and final
settlement. Mr.Palliyil states that he has
received the entire sum of Rs.2,20,000/- by way
of full and final settlement from the Applicant

and that he has no objection, if the impugned Judgment and Orders are quashed & set side and the Applicant is acquitted of the offence with which he is charged.

2. The Applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer S.I. for six months and to pay fine of Rs.3,80,475/-, in default to suffer S.I. for 15 days. Out of the said fine amount, the Applicant was directed to pay compensation of Rs.3,80,475/- to the Complainant. The said Judgment and Order has been confirmed in Appeal.

3. Learned counsel for the Applicant states that pursuant to the aforesaid order, parties i.e. the Applicant and the Respondent No.2, authorized representative of Akbar Travels of India Pvt. Ltd. have entered into consent Terms on 03.05.2016. The said Consent Terms are

on page No.27 of the aforesaid Revision Application. It appears that parties have amicably settled their dispute and that the Respondent No.2 has received a sum of Rs.2,20,000/- as and by way of full and final settlement from the Applicant. The Respondent No.2(Original Complainant) has no objection, if the aforesaid Judgment and Orders are quashed and set aside. Learned APP has verified the identity of the Respondent No.2 on the basis of the Aadhar Card shown to him. The Respondent No.2 has tendered a xerox copy of the Aadhar Card which is taken on record.

4. In view of the aforesaid, the Revision Application is allowed and the impugned Judgment and Order dated 04.12.2014 passed by the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai in C.C.No.5700755/SS/2013 and the Order passed by the learned Appellate Court on 16.12.2015 in M.A.No.303 of 2015 are quashed and

set aside and the Applicant is acquitted of the offence with which he is charged.

5. Accordingly, the Revision Application is disposed of.

6. In view of disposal of the Revision Application, the Cri.Appln.No.412 of 2016 does not survive and same stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)