

Anand

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

CRIMINAL REVISION APPLICATION NO.572 OF 2007

Vijayshankar Baijnath Tiwari .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.T.K.Sinha, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent No.1 –
State
Mr.Prakash Wagh, Advocate, for the Respondent
No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 20.06.2016

P.C.

. Mentioned. Not on board. Taken on
board.

2. Learned counsel for the Applicant and
learned counsel for the Respondent No.2 have
tendered the Consent Terms, entered into by and
between the Applicant and the Respondent No.2.
The said Consent Terms are taken on record and
marked as "X" for identification. It appears
that the parties have settled their dispute. The

Applicant has agreed to settle the dispute by paying the Respondent No.2 a sum of Rs.8,50,000/- by way of full and final settlement and the Respondent No.2 has agreed to the same. From the said Consent Terms, it appears that the sum of Rs.4,25,000/- deposited by the Applicant in the Sessions Court in Cri.Appeal No.741 of 2005, has been withdrawn by the Respondent No.2. As far as the sum of Rs.4,25,000/- deposited by the Applicant in this Court, pursuant to an order dated 11.01.2008, the Applicant has no objection, if the Respondent No.2 withdraws the said amount of Rs.4,25,000/- with interest accrued thereon. As the parties have amicably settled the matter, the Respondent No.2 has agreed to withdraw all the allegations as against the Applicant. Clause 11 of the Consent Terms reads thus :-

"In the circumstances Respondent No.2 have no objection if Petitioner is acquitted from this case being C.C.No.613/SS/05 disposed of

Ld. M.M.Court, 31st Vikhroli, Mumbai, and set aside the impugned order dated 28/10/2005 and pleased to set aside Order dated 26/09/2007 in Criminal Appeal No.741/2005 of Sessions Court, Greater Mumbai."

3. Since the parties have amicably settled the matter, the impugned order dated 26.09.2007 passed by the learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.741 of 2005 and the order dated 28.10.2005 passed by the learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai in C.C.No.613/SS/2005 are quashed and set aside and the Applicant is acquitted.

4. Accordingly, the Revision Application is allowed on the aforesaid terms and is disposed of.

5. The Respondent No.2 is permitted to withdraw a sum of Rs.4,25,000/- which is

deposited in this Court with interest accrued thereon. Registry to release the said amount as expeditiously as possible, on the Respondent No.2 furnishing all relevant documents for release of the same.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)