

Anand

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

CRIMINAL APPLICATION NO.1158 OF 2015

Ayush Yadav S/o. Raj Singh .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.Swapnil Ambure i/b. Dinesh Tiwari &
Associates, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent No.1 –
State
Mr.Raghavendra Mehrotra, Advocate, for the
Respondent No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 25.08.2016

P.C.

. Heard learned counsel for the parties.

2. Rule. Rule is made returnable with the
consent of the parties.

3. By this Application, the Applicant
seeks quashing and setting aside of the Judgment
and Order dated 22.09.2015 passed by the learned
Additional Chief Metropolitan Magistrate, 8th

Court, Esplanade, Mumbai by which the Applicant was convicted for the offences punishable under Sections 279, 336 of the Indian Penal Code read with Section 134(b) of the Motor Vehicle Act. The Applicant has been sentenced to suffer S.I. till the rising of the Court and to pay a fine of Rs.1,000/-, in default of payment of fine to suffer S.I. for 15 days for the offence punishable under Section 279 of the Indian Penal Code; to suffer S.I. till the rising of the Court and to pay a fine of Rs.250/-, in default of payment of fine amount to suffer S.I. for seven days for the offence punishable under Section 336 of the Indian Penal Code; and to suffer S.I. till the rising of the Court and to pay fine of Rs.1,000/-; in default of payment of fine amount he shall suffer S.I. for 7 days, for the offence punishable under Section 134(b) of the Motor Vehicle Act.

4. Learned counsel for the Applicant states that parties had amicably settled the matter much before the conviction was recorded by the learned Judge. He submitted that no person was injured in the said incident and that only the car of the Respondent No.2 was damaged for which he paid a sum of Rs.25,000/- as compensation. Learned counsel for the Respondent No.2 has filed an Affidavit-in-reply of the Respondent No.2 stating therein, that he has no objection, if the conviction accorded by the learned Magistrate is quashed & set aside and if the Application is allowed. He submits that the Respondent No.2 has received a sum of Rs.25,000/- towards the damage of the car and as such he has no grievance against the Applicant and that he did not wish to prosecute the case. He submits that the settlement had taken place prior to the recording of the conviction by the learned Magistrate.

5. Learned APP has no objection, if the Application is allowed in the peculiar facts of the case.

6. Perused the papers. Admittedly, no one was injured in the said incident and that only the car was damaged. It appears that the parties had amicably resolved their dispute before the conviction was awarded to the Applicant by the learned Magistrate. The Respondent No.2 also has no objection, if the Judgment and Order dated 22.09.2015 passed by the learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai is quashed & set aside and the Applicant is acquitted of the offences with which he is charged.

7. Accordingly, the Application is allowed. The impugned Judgment and Order passed by the learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai is

quashed & set aside. The Applicant is acquitted of the offences with which he is charged.

8. Accordingly, the Application is disposed of. Rule is made absolute on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)