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

**CRIMINAL REVISION APPLICATION NO.630 OF 2016
WITH
CRIMINAL APPLICATION NO.635 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.630 OF 2016**

Jalamchand Keshulalji Jain ... Applicant
Versus
Rikabchand Chandmal Jain and Anr. ...Respondents

Mr.Omkar N., i/b Mr.H.D.Joshi, for the Applicant.

Mr.Tarun Kumar Sinha, for the Respondent No.1.

Mr.P.H.Gaikwad, APP for the Respondent No.2-State.

Applicant present in person.

Respondent No.1 present in person.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd DECEMBER, 2016

P.C. :

1. Learned Counsel for the applicant and the respondent No.1 state that the parties have arrived at a settlement and tender the Consent Terms dated 22nd December, 2016, duly signed by the parties. The same are taken on record and marked 'X' for identification. Both the applicant and the respondent No. 1 are present in Court and have been identified by their respective Counsel.

2. As recorded in the Consent Terms, the applicant has agreed to pay the respondent No. 1 a sum of Rs.10,00,000/- by way of full and final settlement. As per the Consent Terms, the applicant has no objection if the respondent No. 1 withdraws the amounts deposited by the applicant in the Sessions Court, in 4 equal installments along with the interest accrued thereon, if any. Learned Counsel for the applicant states that the applicant has handed over original receipts for an amount of Rs.1,50,000/- and Rs.1,00,000/- to the Respondent No.1. He states that the applicant shall hand over the balance amount of Rs.7,50,000/- to the Respondent No.1, within 1 week from today. The said statement is accepted.

3. In view of the aforesaid, the respondent No. 1 also has no objection, to the quashing and setting aside of the impugned judgment and order dated 8th June, 2015, passed by the learned 6th Judicial Magistrate First Class, Thane, in Summary Criminal Case No.11768 of 2013 and judgment and order dated 4th November, 2016, confirmed by the learned District Judge-4 and Additional Sessions Judge, Thane, in Criminal Appeal No. 129 of 2015.

4. In view of the Consent Terms, the impugned judgment and order dated 8th June, 2015, passed by the learned 6th Judicial Magistrate First Class, Thane, in Summary Criminal Case No.11768 of 2013 and confirmed by the learned District Judge-4 and Additional Sessions Judge, Thane, in Criminal Appeal No. 129 of 2015, vide judgment and order dated 4th November, 2016, 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 on the aforesaid terms.

6. In view of the aforesaid, Criminal Application No.635 of 2016, does not survive and the same is also disposed of.

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

REVATI MOHITE DERE, J.