

Anand

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

REVISION APPLICATION(ST) NO.434 OF 2014

Jyoti Ratan Nikam

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Ms R.A.Yati, Advocate, for the Applicant

Mr.A.S.Shitole, APP, for the Respondent No.1 –
State

Mr.Ramkrishna Nalawade, Respondent No.2-in-
person present

CORAM : REVATI MOHITE DERE, J.

DATE : 02.08.2016

P.C.

. The Applicant has been convicted vide Judgment and Order dated 16.05.2011 passed by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C.No.549/SS/2008 for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer S.I. for one month and to pay compensation of Rs.81,000/- to the Complainant, in default to suffer S.I. for one month. The said Judgment and Order has been

confirmed in Appeal by the Appellate Court vide Judgment and Order dated 27.08.2013 passed by the learned Additional Sessions Judge, Greater Mumbai in Cri.Appeal No.350 of 2011.

2. Learned counsel for the Applicant and the Respondent No.2, who appears in person state that parties have amicably settled their dispute and that the Applicant has paid the Respondent No.2 a sum of Rs.1,00,000/- by way of full and final settlement.

3. The Respondent No.2 is present in person. Learned APP has verified his identity. The Respondent No.2 has placed on record a xerox copy of his licence, signed by him, which is taken on record. The Respondent No.2 states that he has amicably settled the dispute with the Applicant and that he has received a sum of Rs.1,00,000/- as and by way of full and final settlement. The Respondent No.2 states that he has no objection, if the impugned Judgment and

Orders are quashed and set aside and if the Applicant is acquitted of the offence with which she is charged.

4. In view of the aforesaid, the impugned Judgment and Order dated 16.05.2011 passed by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C.No.549/SS/2008 and the impugned Judgment and Order dated 27.08.2013 passed by the learned Additional Sessions Judge, Greater Mumbai in Cri.Appeal No.350 of 2011 are quashed & set aside and the Applicant is acquitted of the offence with which she is charged. Accordingly, the Application is disposed of.

5. In view of disposal of the Revision Application, the Cri.Appln.Nos.354 & 355 of 2014 do not survive and the same stand disposed of accordingly.

(REVATI MOHITE DERE, J.)