

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 564 OF 2015
WITH
CRIMINAL APPLICATION NO. 480 OF 2015**

Shrery Shrivastava	...Applicant
Versus	
Sikandar Sukrulla Khan & Anr.	...Respondents

Mr. Mahesh N. Devlekar for the Appellant

Mrs. R. V. Newton, A.P.P for the Respondent No.2-State

Mr. S. S. Khan, the Respondent No. 1 is present in Court

CORAM : REVATI MOHITE DERE, J.
MONDAY, 11th JULY, 2016

P.C. :

1. Learned Counsel for the applicant has tendered the Consent Terms entered into between the parties, duly signed by the applicant and the respondent No. 1 (original complainant) and their respective Advocates. The said Consent Terms are taken on record and marked 'X' for identification.

2. The Advocate for the respondent No. 1 is not present.

Respondent No. 1, who is present in Court, has handed over a xerox copy of his driving license as proof of his identity. The same is taken on record.

3. As per the Consent Terms, the applicant had agreed to pay compensation amount of Rs. 7,25,000/- to the respondent No.1. The entire amount of Rs. 7,25,000/- has been paid by the applicant to the respondent No. 1 and the respondent No. 1, who is present in Court, does not dispute the same and acknowledges the receipt of Rs. 7,25,000/- from the applicant.

4. Respondent No. 1 has no objection if the judgment and order dated 7th January, 2014 convicting the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to suffer RI for 6 months; and the judgment and order dated 9th October, 2015 passed by the Sessions Court, are quashed and set-aside and the applicant is acquitted of the said offences.

5. As far as the amount of Rs. 1,50,000/- which is deposited by the applicant towards cash bail in the 63rd MM Court, Andheri, Mumbai is

concerned, the respondent No. 1 has no objection if the same is withdrawn by the applicant. Accordingly, applicant is permitted to withdraw the said amount.

6. Accordingly, the application is allowed in view of the Consent Terms and the judgments and orders dated 7th January, 2014 and 9th October, 2015 are quashed and set-aside and the applicant is acquitted of the offence, with which he was charged.

7. In view of the above order, nothing survives for consideration in Application No. 480 of 2015. The same stands disposed of.

REVATI MOHITE DERE, J.