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

**CRIMINAL REVISION APPLICATION NO.52 OF 2017
WITH
CRIMINAL APPLICATION NO.46 OF 2017
(For Suspension of Sentence)**

- | | | | |
|----|--|--|----------------|
| 1. | Ranjit Sham Chougule | | |
| 2. | Rajesh Balchandra Chalke | | |
| 3. | Gajanan Gopal Mulay | | ...Applicants |
| | Versus | | |
| 1. | The State of Maharashtra | | |
| 2. | M/s.Indage Vinters Limited
(Formerly known as Champagne Indage Limited) | | |
| 3. | The Official Liquidator | | |
| 4. | Global Investments | | ...Respondents |

Ms.Sonal More i/b Vidhii Partners, for the Applicants.

Mr.S.S.Pednekar, A.P.P for the Respondent No.1-State.

Mr.S.D.Thakur, for the Original Complainant-Respondent No.4.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th SEPTEMBER, 2017

P.C. :

Not on board. Taken on board.

1. Learned Counsel for the applicants and the learned counsel for

the respondent no.4 (original complainant) state that the parties have mutually settled their dispute. Learned Counsel tender the Consent Terms dated 13th September, 2017, duly signed by the parties. The same are taken on record and marked 'X' for identification. The applicant No.1 is present in Court. The power of attorney holder of respondent no.4 (original complainant)-Global Investments is also present in Court. After verifying the original Power of Attorney, a xerox copy of the same is taken on record and marked 'X-1' for identification.

2. It is stated in the Consent Terms, that the applicants have paid a sum of Rs.35,00,000/- to the respondent no.4 – Global Investments. Learned Counsel for the respondent no.4 (original complainant) does not dispute the fact that respondent no.4 has received the said amount of Rs.35,00,000/-. As far as the amount of Rs.7,00,000/- deposited by the applicant no.1-Ranjit Sham Chougule, in the trial Court is concerned, it is mentioned in the Consent Terms that the same shall be refunded to the applicant No.1-Ranjit. Learned Counsel for the applicants states that applicant Nos.2 - Rajesh Balchandra Chalke and applicant No.3 -Gajanan Gopal Mulay have no objection if the said amount is withdrawn by the

applicant no.1-Ranjit Sham Chougule. The Respondent No.4 also has no objection, if the said amount is withdrawn by applicant no.1-Ranjit Sham Chougule. It is also stated in the Consent Terms, that in view of the settlement, the respondent no.4 (original complainant) has no objection, to the quashing and setting aside of the order of conviction and sentence imposed by both the Courts i.e. learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai and the learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR 51).

3. In view of the Consent Terms, the Revision Application is allowed and the impugned judgment and order of conviction and sentence dated 17th September, 2014, passed by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai, in C.C.No.36956/SS/2009, and confirmed by the learned Special Judge (CBI)/The Additional Sessions Judge, Greater Bombay (CR 51), vide Judgment and Order dated 21st October, 2016, passed in Criminal Appeal No.1040 of 2014, are quashed and set-aside and the applicants are acquitted of the offences with which they are charged.

4. Application is accordingly disposed of on the aforesaid terms.

5. In terms of clause – 2 of the Consent Terms, the Applicant No.1-Ranjit Sham Chougule, is permitted to withdraw the sum of Rs.7,00,000/- deposited by the applicant No.1 in the trial Court i.e 7th Bhoiwada, Dadar. Respondent No.4 - Global Investments, has no objection, if the said amount of Rs.7,00,000/-, is withdrawn by the applicant No.1. The trial Court shall return the said amount of Rs.7,00,000/-, along with the interest accrued thereon, if any, on the said amount. Parties to comply with their respective undertakings given by them in the consent terms.

6. In view of the disposal of the Revision Application, Criminal Application No.46 of 2017 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.)