

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL REVISION APPLICATION 53 OF 2017
WITH
CRIMINAL APPLICATION 47 OF 2017
IN
CRIMINAL REVISION APPLICATION 53 OF 2017**

Ranjit Sham Chougule & Ors. ... **Applicants**

V/s.

The State of Maharashtra & Ors. ... **Respondents**

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Mr.Satyvarat Joshi i/b. Vidhii Partners, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

Mr.B.N.Poojari with R.B.Poojari i/b. Mr.Santosh Thakur, Advocate for the Respondent No.4.

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CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

1 Leave to amend is granted. The learned Advocate for the revision petitioners submits that both the parties have settled the matter.

2 Respondent No.4 is the original complainant. Her complaint alleged offence punishable under Section 138 of the Negotiable Instruments Act, 1881 had resulted in conviction of revision petitioners by the learned Metropolitan Magistrate, 7th

Court, Dadar and with some modification that conviction was upheld by the learned Additional Sessions Judge, Greater Bombay, Mumbai vide Judgment and Order dated 21/10/2016 in Criminal Appeal No.1041 of 2014.

3 Revision petitioners/accused and power of attorney holder of respondent No.4/original complainant Mr.Rakesh Jain have placed on record consent terms. Mr.Rakesh Jain, power of attorney holder of respondent No.4/original complainant is present before the Court. He is duly identified by his learned Advocate Mr.Poojari. The learned Advocate for respondent No.4 has placed on record photo copy of Pan Card of power of attorney holder of respondent No.4/original complainant. Upon being asked, Mr.Rakesh Jain, the power of attorney holder of the respondent No.4/original complainant unequivocally stated that the complainant has settled the matter with accused person and, therefore, the complainant does not want to prosecute the complainant any more. He further states that he has no objection if impugned Judgments and Orders of conviction are quashed and set aside.

4 Consent terms are taken on record, accepted and marked as Exhibit 'X' for the purpose of identification. Both parties have agreed that the respondent No.4/original complainant shall be entitled to withdraw the amount under deposit with the learned Metropolitan Magistrate, 7th Court,

Bhoiwada, which was deposited by the appellant/original accused No.2 Ranjit Chougule. If the respondent No.4/original complainant applies for the withdrawal of said amount, the learned Metropolitan Magistrate is directed to dispose of the said application expeditiously.

5 In view of the consent terms and as the matter is amicably settled by both the parties in terms of the consent terms, impugned Judgment and Order of the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai passed on 18/09/2014 in C.C.No.42213/SS/2009, so also the the impugned appellate order passed by the learned Additional Sessions Judge, Greater Bombay, Mumbai on 21/10/2016 in Criminal Appeal No.1041 2014 is quashed and set aside.

6 Revision Petitioners/accused are acquitted of the offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881.

7 The Revision Petition stands disposed of in terms of consent terms.

8 In view of the disposal of the Criminal Revision Application, Criminal Application No.47 of 2017 stands disposed of.

(A.M.BADAR J.)