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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 54 OF 2017
WITH
CRIMINAL APPLICATION NO. 48 OF 2017**

Ranjit Sham Chougule and Ors. ... Applicants
vs.
The State of Maharashtra & Anr. ... Respondent

**CRIMINAL APPLICATION NO. 117 OF 2017
IN**

CRIMINAL REVISION APPLICATION (ST) NO. 125 OF 2017

Manju Jain through ... Applicant
POA Rakesh Jain
vs.
The State of Maharashtra & Anr. ... Respondent

Mr. Santosh D. Thakur for the Applicant in APPR/117/2017 in
REVN(ST)/125/2017

Mr. Satyavrat Joshi i/b. M/s.Vidhi Partners for Respondent no.2 in
APPR/117/2017 in REVN(ST)/125/2017 and for applicant in Revn/54/2017 a/w.
APPR/48/2017

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

Mr. Aithe, Company Prosecutor present in Court.

**CORAM : A. K. MENON, J.
DATE : 10th JULY, 2017**

P.C.:

1. By this Criminal Application the applicant has challenged the judgment and order dated 21st October, 2016 passed by the Sessions Judge dismissing Criminal Appeal No. 1042 of 2014 while upholding the judgment and order

dated 19th September, 2014 passed by the Metropolitan Magistrate 7th Court Dadar in C.C. No. 42214/SS/2009.

2. The Magistrate's Court convicted the applicant of an offence under Section 138 of the Negotiable Instruments Act. Meanwhile the company which had issued the cheque was ordered to be wound up. Certain amounts have been deposited by the applicant before the Metropolitan Magistrate, 7th Court, Dadar. In the meanwhile, the applicant in Revision application no. 54 of 2017 has arrived at a settlement with the original complainant and it is agreed between them entire dispute will be settled for a sum of Rs. 15,00,000/- .

3. Consent terms dated 10th July, 2017 have been tendered today. Consent terms have been signed on behalf of respondent no. 4 who is the original complainant by her constituted attorney one Mr. Rakesh Jain. Mr. Rakesh Jain is present and he states that the original complainant is his wife. Both parties Advocates state that the entire sum of Rs.15,00,000/- has been paid over.

4. In the circumstances, offences being compoundable it is appropriate that this revision application be allowed. Since the amount has been paid over now, it is agreed between the parties that the amount deposited in the trial Court by the original accused will be paid over to applicant(s) by the trial Court in C.C. No. 42214/SS/2009.

5. The company being in liquidation, the official liquidator is also been given notice of this application. The Company prosecutor is present in Court. He states on instructions that the Liquidator's office has no objection to the aforesaid settlement which is arrived at by the applicant in his personal capacity.

6. The applicant original accused and the respondent no. 4's constituted attorney are present in Court. Learned Counsel on behalf of the respondent no. 4 states that in view of the settlement, he has instructions to withdraw Criminal Revision Application (St) No. 125 of 2017 alongwith Criminal Application No. 117 of 2017 . Criminal Revision Application (St) No. 125 of 2017 alongwith Criminal Application no. 117 of 2017 which seeks condonation of delay are allowed to be withdrawn.

7. In the circumstances, I pass the following order :

(i) The Revision application is allowed in terms of the consent terms. The order of the Sessions Court dated 21st October, 2017 and Order of the Metropolitan Magistrate Court dated 19th September, 2014 are quashed and set aside.

(ii) Undertakings contained in the consent terms are accepted.

(iii) The applicants are acquitted of the offence.

(iv) Criminal Revision Application (St) No. 125 of 2017 alongwith

Criminal Application no. 117 of 2017 which seeks condonation of delay are allowed to be withdrawn.

(v) The applicant shall pay costs of Rs.15,000/- to the Maharashtra State Legal Services Authority on or before 17th July, 2017. If costs are not paid the impugned orders will revive without further orders of this Court with consequences to follow.

(vi) Parties to act on an authenticated copy of this order.

6. Stand over to **18th July, 2017** for recording compliance.

(A. K. MENON, J.)