

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL REVISION APPLICATION NO.65 OF 2017
WITH
CRIMINAL APPLICATION NO.59 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.65 OF 2017**

Balkrishna Ramchandra Salvi ... **Applicant**
V/s.
Balkrishna Keshavrao Chaudhary & Anr. ... **Respondents**

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Mr.Amol Gatne, Advocate for the Applicant.
Mr.Pradip Rajput i/b. B.R.Choudhari, Advocate for the Respondent No.1.
Mr.Vinod Chate, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 16th MARCH 2017.

P.C. :

1 This is a revision petition filed by original accused challenging his conviction and sentence imposed consequent to conviction for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 recorded by the learned Judicial Magistrate First Class, Pune on 26/02/2009 and confirmed in appeal on 20/01/2017 by the learned Additional Sessions Judge, Pune.

2 Today, the learned counsel appearing for revision petitioner/original accused as well as respondent No.1/original complainant unanimously submitted that they have amicably settled the matter out of Court. They have tendered consent terms which are taken on record and marked as Exhibit 'X'. Respondent No.1 Balkrishna Chaudhary, who is original complainant is duly identified by his learned Advocate Mr.Pradip Rajput. The original complainant accept the fact that the matter has been amicably settled by him with the Revision Petitioner/original accused. He also admits his signature on the consent terms placed on record. It is seen that matter has been compromised voluntarily and amicable settlement has been arrived at between the parties. Therefore, in paragraph Nos.9 and 10 of the consent terms, the original complainant i.e. respondent No.1 is praying for acquittal of the revision petitioner i.e. original accused of offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3 In this view of the matter, revision petition is disposed of pursuant to the consent terms at Exhibit 'X' arrived at between the parties. The impugned Judgment and Order of conviction recorded by the trial Court and confirmed by the appellate Court are quashed and set aside. The revision petitioner/original accused is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. His bail bonds stand cancelled. Surety is discharged.

4 In the light of paragraph No.6 of the consent terms at Exhibit 'X', the revision petitioner is permitted to withdraw the amount of Rs.30,000/- deposited by him in the appellate Court.

5. In view of disposal of this revision petition, Criminal Application No.59 of 2017 is accordingly disposed of.

(A.M.BADAR J.)