

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.77 OF 2017

Mr.Sunil Waman Nayak ... **Applicant**

V/s.

M/s.Apple Office Products

Private Limited & Anr. ... Respondents

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Mr.Hemang Jariwala i/b.Auroma Law, Advocate for the Applicant.

Mr.P.H.Dooa, Advocate for the Respondent No.1.

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

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CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

1 By this Revision Petition, revision petitioner/original
accused is challenging his conviction recorded by the learned trial
Court in respect of offence punishable under Section 138 of the
Negotiable Instruments Act, 1881 and confirmed by the appellate
Court.

2 Now both the parties have come up with a stand that
they have amicably settled the matter out of Court. On last date,
consent terms signed by both the parties were placed on record.

Today also consent terms reflecting the fact that, by consent, the impugned Judgments and Orders be quashed and set aside are placed on record. Consent terms are marked as Exhibit 'X' and 'Y' respectively.

3 Mr.Guruprasad Shetty, Director of respondent No.1 M/s.Apple Office Products Pvt. Ltd. i.e. the original complainant is present before the Court. He has placed on record the extract of Resolution passed by the Board of Directors of the respondent No.1-Company authorizing Mr.Guruprasad Shetty to deal with the proceedings. Photo copy of Adhar Card and Pan Card of Mr.Guruprasad Shetty is also placed on record.

4 Upon being questioned, Mr.Guruprasad Shetty, Director of respondent No.1 i.e. the original complainant states that the matter has been settled amicably by both the parties and the original complainant does not want to prosecute the matter any further. He states that by consent of both the parties, the impugned Judgments and Orders of conviction may accordingly be quashed and set aside.

5 As the matter is amicably settled by both the parties and both the parties have consented for compliance of consent terms executed by them, the Revision Petition deserves to be allowed in terms of consent terms at Exhibit 'X' and 'Y'. Both the parties agreed that the revision petitioner/accused shall be entitled

to withdraw the amount deposited by him before the trial Court, appellate Court as the case may be during pendency of the proceedings.

6 In this view of the matter, Revision Petition stands disposed of in terms of consent terms executed by parties. Consequently, the impugned Judgment and Order passed by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai on 03/05/2014 in C.C.No.1760/SS/2012 and the impugned Judgment passed by the learned Additional Sessions Judge, Greater Bombay, Mumbai in Criminal Appeal No.518 of 2014 confirming the conviction and sentence are quashed and set aside.

7 Revision petitioner/accused is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

8 His bail bonds stand cancelled.

(A.M.BADAR J.)