

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1221 OF 2017

Mr. Inderjeet Kumar] Petitioner

Vs.

1. The State of Maharashtra & Ors.] Respondents

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Mr. Manoj Mohite a/w Mr. Ramesh Tripathi, for the petitioners.

Ms. Pallavi Dabholkar, APP for State.

Ms. Narendra P. Shukla, for respondent No.2.

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CORAM: RAVINDRA V. GHUGE, J.

DATE : 24TH MARCH, 2017.

P.C.

1. Learned Advocates for the petitioner and respondent No.2 have tendered minutes of order dated 24th March, 2017.

Learned Advocates have signed the same and Respondent No.2 was present in the Court when the amicable settlement between the parties has been arrived at.

2. Learned Advocates jointly submit vide minutes of the order that this petition can be disposed of in terms of the same. The trial Court would consider the minutes and accordingly proceedings before the trial Court would stand disposed of strictly in terms of the minutes of order.

3. Considering the above, the minutes of the order are taken on record and marked "X" for identification. This Writ Petition is, therefore, disposed of in terms of the minutes of the order which are reproduced verbatim as under:

MINUTES OF ORDER

"1) The Petitioner and the Respondent No.2 have come to amicable settlement amongst themselves.

2) The Respondent No.2 have filed a case being CC No. 4811/ss/2014 for offence under section 138 of Negotiable Instrument Act against the Petitioner which is pending on file of Court of Addl. Chief Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in respect of the Cheque No. 065886 dated 9.9.2014, for Rs.

54,33,500/-.

3) The Petitioner and the Respondent No.2 have agree to settle the said case on the following terms hereinafter mentioned as under:-

a) The petitioner herein has agreed to pay an Rs. 54,33,500/- as a full and final settlement amount towards the dishonored cheque mentioned as above.

b) The Petitioner will deposit an amount of Rs. 10,00,000/- by way of demand draft in the trial Court on or before 27th March, 2017.

c) The petitioner will deposit the balance amount of Rs. 44,33,500/- either by Cash/RTGS or Demand Draft in the trial court within a period of 3 months from the 27th March, 2017.

d) The Petitioner further agrees that the Respondent No.2 is at liberty to withdraw the amount of Rs. 10,00,000/- so deposited in the trial Court.

e) The Petitioner submits that in the event of the deposit of entire amount of the cheque which is the

subject matter of dispute the Respondent will withdraw unconditionally the case which is pending before the Court of Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai and will also be entitle to withdraw the balance of Rs. 44,33,500/- from the court.

f) The Petitioner and the Respondent No.2 is agree that there will be no further claim in respect of cheques of each other either in any manner civil proceeding or criminal proceedings.

g) On deposit of Rs. 10,00,000/- (Rupee Ten Lakh) open dated Non Bailable warrant will be forthwith canceled by the Court of Ld. Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai forthwith and the Ld. Metropolitan Magistrate, 33rd Court will inform the respondent No.4 i.e Joint Secretary (CPV), ministry of external affairs, Delhi that he has withdrawn the request of extradition in respect of Mr. Idrajeet Kumar made by the court vide its letter dated 21.11.2016.

h) The Petitioner agrees that if the petitioner fails to

comply with hereinabove mentioned conditions the amount of Rs. 10,00,000/- deposited by him will be forfeited in favour of the Respondent No.2 and the Respondent No.2 will be at liberty to proceed with the matter pending before the Ld. Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. The Petitioner further agrees that if he fails to deposit the entire amount of the cheque within period of three months as stated hereinabove, he shall appear before the court and proceed with the matter.

I) On the cancellation of the open dated non Bailable warrant by the Ld. Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai the respondent No.4 is directed to inform the concerned authority in the UAE forthwith that the request for extradition vide letter 27th December, 2016 bearing its reference No. T-413/04/2016 of the petitioner Mr. Indrajeet Kumar is withdrawn and that the petitioner Mr. Indrajeet Kumar be forthwith released unconditionally from its detention.

j)The Writ Petition is disposed off in terms of This order."

4. The litigating sides as well as, the trial Court would act on the print out copy of this order from the official website of the Bombay High Court.

[RAVINDRA V. GHUGE, J.]