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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 265 OF 2017**

Mr. Lilesh Suryakant Kalsekar

... Applicant

vs.

Mrs. Shoba Pol & Ors.

... Respondents

Mrs. G. Geetha i/b. H. Kumar Vaidyanathan for the Applicant.

Mr. Vishnu L. Chaudhari i/b. Shaikh Shaikhlal Basu.

Mr. Vinod Chate, APP for the State.

CORAM : A. K. MENON, J.

DATE : 28th JUNE, 2017**P.C.:**

1. By this Criminal Revision Application the applicant has challenged the judgment and order dated 1st February, 2017 passed in Criminal Appeal No. 1129 of 2014 by the Additional Sessions Judge whereby the conviction of the applicant for offence under Section 138 of the Negotiable Instruments Act was confirmed.

2. It appears that parties have since settled their disputes in the said complaint before the Magistrate Court. The amount of cheque in respect of offences complained was filed in relation to two cheques of Rs. 1,00,000/- each totaling to Rs. 2,00,000/- in C.C. No. 4881 of 2009.

3. However in a separate complaint being C.C. No.4876/SS/2009 the issue involved failure to honour another cheques amounting to Rs. 2,00,000/-. The consent terms tendered today deal with both complaints which according to

learned counsel for the parties are identical. The statement is accepted.

4. In the consent terms parties have recorded an overall settlement of the disputes arising out of non payment of these four cheques totaling to Rs.4,00,000/-. Consent terms record that the applicant has made payment of Rs. 4,00,000/- as set out in clause 2(b) and 2(c) to the original complainant-respondent who is present in Court and who confirms having arrived at settlement and have accepted the above amount in full and final settlement towards discharge of the liability. The applicant has no objection to the offence being compounded and the impugned orders of the trial Court in C.C. No. 4881/SS/2009 and the Sessions Court being set aside. It is further stated that the trial in C.C. No.4876/SS/2009 presently pending before the Metropolitan Magistrate Court 58th Court, Bandra has not concluded. The applicant has no objection to the said case before the 58th Court being disposed of by presenting copy of these consent terms along with an authenticated copy of this order before that Court.

5. It further appears that the applicant / accused has deposited certain money in the trial Court and the present respondent- Original complainant has no objection in the applicant / accused withdrawing the said amount/(s) which were deposited at the time of suspension of the sentence. In view of the settlement arrived at, I pass the following order :

- (i) In view of the settlement arrived at between the parties the above Revision Application is disposed of in terms of the consent terms.
- (ii) Undertakings contained in the consent terms are accepted.
- (iii) The offence having being compounded the conviction in C.C. No.4881/SS/2009 and the order dated 7th November, 2014 passed therein and the judgment dated 1st February, 2017 passed in Criminal Appeal no.1129 of 2014 by the Sessions Court are hereby quashed and set aside.
- (iv) The applicant is acquitted in C.C.No.4876/SS/2009 and C.C.No.4881/SS/2009 before the 58th Metropolitan Magistrate Court, Bandra.
- (v) The applicant shall pay costs of Rs. 4000/- to the Maharashtra Legal Services Authority within one week from the date this order is uploaded. If costs are not paid the impugned order will revive without further orders of this court.
- (vi) If the applicant is in custody, he shall be released. Parties including the jail authorities to act on an authenticated copy of this order.
- (vii) Stand over on 10th July, 2017 for compliance.

(A. K. MENON, J.)