

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.271 OF 2016

Pradeep Dhanrajmal Ailani .. Applicant.

Vs.

Rajkumar Vishindas Balwani & Anr. .. Respondents.

Mr.Suresh A. Malkani for the Applicant.

Mr.Manish Dubey for Respondent No.1.

Ms. N.S. Jain APP for the State.

CORAM : A. K. MENON, J.

DATED : 20TH JUNE, 2017

P.C. :

1. In this revision application the applicant has challenged the order dated 30th March, 2016 passed by the learned Sessions Judge, Thane dismissing the Criminal Appeal No.235 of 2014 preferred by the applicant against the judgment, sentence and findings of the learned Judicial Magistrate, First Class, in Summary Criminal Case No.16098 of 2012. The Magistrate convicted the applicant under Section 138 of the Negotiable Instruments Act and sentenced the applicant to suffer simple imprisonment for one month with further direction to pay compensation amounting to Rs.2,25,000/- to the complainant and in default of payment of compensation the applicant to under go simple imprisonment for two months.

2. The Sessions Court vide order dated 30th March, 2016 dismissed the Criminal Appeal. Now the parties have settled the dispute. The parties are

present and they confirm having executed the consent terms. Respondent No.1 has no objection. In the circumstances on the issue of costs the applicant seeks some leniency.

3. In view of the aforesaid settlement and in the interest of justice the above application is disposed of in terms of the consent terms. Accordingly, I pass the following order :

- (i) The Revision application is allowed in terms of the consent terms.
- (ii) The applicant is acquitted. The impugned orders dated 30th March, 2016 and 12th September, 2014 are quashed and set aside.
- (iii) If the applicant is in custody, the applicant be released on bail.
- (iv) The costs is quantified at Rs.2,000/- to be paid to the State Legal Services Authority within a period of one week from date of upload of the order.
- (vi) List the matter for compliance on 4th July, 2017.

2. The parties to act on copy of this order duly authenticated by the Registry of this Court.

(A.K. MENON, J.)