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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.241 OF 2015

M/s. Prince Home Appliance & Ors.

... Applicants

vs.

Bhanupratap S. Gupta & Anr.

... Respondents

Mr. Pankaj Jain a/w Sweta Valecha i/b. P. D. Jain & Co. for the Applicants.

Mr. P. B. Kakade for Respondent no.1.

Ms. N. S. Jain APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATE : 1st AUGUST, 2017

P.C.

1. The parties have arrived at a settlement as recorded in the order dated 18th July, 2017. Today they have tendered consent terms as between the applicant and respondent no.1. The applicant no.1 is the proprietary concern, applicant no.2 is the proprietor, applicant no.3 is the wife of applicant no.2 and erstwhile partner of the applicant no.1.
2. It is the case of both the counsel today that the applicant no.1 firm had since been dissolved the applicant no.2 against the proprietary. All the applicants have signed these consent terms. So as the respondent no.1 the offence is punishable under Section 138 of the Negotiable Instruments Act and been compoundable, it would be appropriate that the settlement between the parties be made by an order of this Court.
3. Accordingly, I pass the following order:-

- (i) Revision application is allowed in terms of the consent terms which are signed by the applicants and respondent no.1 dated 25th July, 2017.
- (ii) Both signatories are present in Court. Their signatures have been identified by their respective Advocates.
- (iii) It is now agreed that respondent no.1 will be entitled to withdraw a sum of Rs.12 lakhs deposited in this Court as detailed in paragraph 5 of the consent terms.
- (iv) As far as remaining balance of Rs.3 lakhs is concerned, parties have already provided for the manner of payment under clause 2 and 4 of the consent terms.
- (v) In the circumstances, the conviction and sentence by order dated 19th December, 2011 in C.C. no.12272/SS/2010 as confirmed by the Sessions Court in Criminal Appeal no.20 of 2013 is quashed and set aside.
- (vi) The applicant shall pay costs of Rs.15,000/- to the Maharashtra State 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.
- (vii) The Advocate for the respondents has confirmed having received the Demand Draft of Rs.2 lakhs as per clause 2 of the consent terms.
- (viii) Stand over for compliance on 16th August, 2017.

(A. K. MENON, J.)