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

**CRIMINAL REVISION APPLICATION NO.352 OF 2017
WITH
CRIMINAL APPLICATION NO.324 OF 2017**

Sharad Pundalik Palav

... Applicant

vs.

Shamji Narshi Charla

Director of M/s. Charla Estate &
Financial Management Pvt.& Ors.

... Respondents

Dr.Santosh Raje for the Applicant.

Mr. P.H. Gaikwad, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATED : 6th JULY, 2017

P.C.

1. Respondent no.1 is present. He was the original complainant. It appears that the applicant was convicted in offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to 4 months simple imprisonment and directed to pay compensation of Rs.16 lakhs. A sum of Rs.8,20,000/- has already been deposited. The impugned order provides for adjustment against the payment of compensation. Respondent who is present in Court confirms having withdrawn/received the amount of Rs.8,20,000/- which is referred to in the impugned order dated 14th June, 2007.
2. The offence being compoundable, today the applicant has tendered

affidavits of the applicant-wife and the respondent who are both present in person. The respondent no.1. (original complainant) has agreed to the terms of the settlement his affidavit and has accepted the terms proposed on behalf of the applicant. The parties have confirmed the contents of the affidavit and submitted that this revision application may be allowed. I therefore pass the following order:-

- (i) Application is allowed in terms of the settlement arrived at between the parties and as recorded in the affidavits dated 6th July, 2017.
- (ii) In view of the offence being compoundable, conviction of sentence of the applicant vide orders dated 4th September, 2010 in C.C. no.439/SS/2008 passed by Metropolitan Magistrate, 44th Court, Andheri, Mumbai, and has confirmed a revision in Criminal Appeal no.508 of 2010 are quashed and set aside.
- (iii) The petitioner is acquitted of the offence and shall be released from jail.
- (iv) The applicant shall pay costs of Rs.5000/- to the Maharashtra State Legal Services Authority within three weeks from the date this order is uploaded. If costs are not paid the impugned order will revive without further orders of this Court.
- (v) Parties including the jail authorities to act on an authenticated copy of this order.

(vi) In view of the disposal of criminal revision application, the criminal application no.324 of 2017 does not survive and the same is also disposed of.

(vi) Stand over to 27th July for recording compliance.

(A. K. MENON, J.)