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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.353 OF 2017

WITH

CRIMINAL APPLICATION NO.326 OF 2017

Nana Ramchandra Patil

... Applicant

vs.

Ashok Narayan Tawre & Anr.

... Respondents

Ms. Meghna Ashok Gowalani for the Applicant.

Mr. Shirodkar Ateet for Respondent no.1.

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

CORAM : A.K. MENON, J.

DATE : 13th JULY, 2017

P.C.

1. By this revision application the applicant has challenged the judgment and order dated 30th May, 2017 passed by the Sessions Judge dismissing Criminal Appeal No.139/2012 while upholding the judgment and order dated 6th March, 2009 passed by the Metropolitan Magistrate, Bhiwandi, Thane, in C.C. No.1707/2007. The Magistrate Court convicted the applicant of an offence under Section 138 of the Negotiable Instruments Act and ordered payment of compensation of Rs.60,000/-.
2. However, subsequently the appeal came to be dismissed and parties have arrived at a settlement and tendered the consent terms. The applicant and respondent no.1 are present in Court. Consent terms signed by the parties

and their Advocates. Their signatures have been identified by their Advocates. The Consent terms are taken on record and marked as 'X' for identification. The consent terms provide for payment of a sum of Rs.60,000/- in full and final settlement and has already paid over by Demand Draft. In the circumstances, the offence being compoundable and the parties having arrived at a settlement, I pass the following order:-

- (i) The revision application is allowed in terms of the consent terms.
- (ii) The order of the Sessions Court dated 30th May, 2017 and the order of Metropolitan Magistrate Court dated 6th March, 2009 are quashed and set aside.
- (iii) The applicant shall pay costs of Rs.2000/- 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.
- (iv) Stand over to 20th July, 2017 for compliance.

(A. K. MENON, J.)