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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.468 OF 2016
WITH
CRIMINAL BAIL APPLICATION NO. 466 OF 2016
AND
MISCELLANEOUS APPLICATION NO. 467 OF 2016

Ashok Bhupatrai Gandhi ... Applicant
 vs.
 State of Maharashtra & Anr. ... Respondents

Mr. Nishant V. Gupta for the Applicant.
 Mr. Yatin Shah for Respondent no.2.
 Ms. M. R. Tidke, APP for the State.

CORAM : A. K. MENON, J.
DATE : 21st JUNE, 2017

P.C.:

1. In this revision application the applicant has challenged the order dated 6th April, 2016 passed by the learned Sessions Judge rejecting the appeal application no. 140/2014 by continuing the order of Ld. Metropolitan Magistrate in C.C. No. 595/SS/2006. The Magistrate Court convicted the appellant under Section 138 of the Negotiable Instruments Act and sentenced the appellant to undergo simple imprisonment for six months and for a fine of Rs. 6,00,000/- in default to suffer simple imprisonment for three month.

2. The Sessions Court vide order dated 6th April, 2016 dismissed the Criminal Appeal and clarified that the Magistrate Court was at liberty to execute the Judgment and Order . The parties have arrived at a settlement. The first respondent has filed an affidavit in this Court on 21st June, 2017 which has been certified by the Advocate for the petitioner by having been explained and

interpreted to her in Marathi language. The first respondent is present in Court and confirms having signed and understood the contents of the affidavit and the consent terms which have been filed alongwith the affidavit and having agreed to abide by them. Both parties have tendered consent terms signed by the parties and their Advocates. The consent terms dated 21st June, 2017 are taken on record and marked 'X' for identification. They seek permission to compound the offence. In view of the settlement the offence can be compounded.

3. In view of the aforesaid settlement and in the interest of justice the above application is liable to be 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 of the offence subject to observing the consent terms.

(iii) In the event of any breach of the consent terms this order will stand vacated and the original order of the Sessions Court dated 6th April, 2016 and Metropolitan Court 23rd January, 2014 shall automatically revive without further orders of the Court.

4. Stand over to 29th June, 2017 for compliance.

(A. K. MENON, J.)