

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPEALLATE JURISDICTION

CRIMINAL APPLICATION NO. 880 OF 2017

Ramesh Vishnu Tamboli ..Applicant.

vs.

Mithusingh J.Champawat and anr. ..Respondents.

Mr. Vivek Pandey i/by S.Pandey for the Applicant.

Smt. Rutuja Ambekar, APP. for the State.

Mr.D.G.Bist for the Respondent.

CORAM: A.S.GADKARI, J.

DATE : 13th October, 2017.

P.C.

1. By the present application under Section 482 of the Cr.P.C. the applicant has challenged his conviction under Section 138 of the Negotiable Instruments Act passed by the Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai in CC No.7000040/SS/2015 and confirmed by the Additional Sessions Judge for Greater Mumbai in Criminal Appeal No.375 of 2015 dated 6.4.2017.

2. The learned counsel for the applicant submitted that after the dismissal of Criminal Appeal No.375 of 2015 by the learned Additional Sessions Judge, the applicant and respondent No.1 have entered into amicable settlement and the applicant has paid Rs.70,000/- to respondent No.1 towards the full and final settlement. Learned counsel appearing for respondent No.1 has tendered an affidavit of respondent No.1 dated 13.10.2017 admitting the aforesaid facts and recording his consent for quashing and setting aside the impugned order. Learned counsel for respondent No.1 on instructions submitted

that as a matter of fact respondent No.1 has received the said amount of Rs.70,000/- from the applicant and he has no grievance against the applicant as of today.

3. In view of the affidavit of respondent No.1 the impugned orders dated 19.3.2015 passed by the Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai and the order dated 6.4.2017 passed by the Additional Sessions Judge for Greater Mumbai in Criminal Appeal No.375/2015 are hereby quashed and set aside.

4. Application is allowed in terms of prayer clause (a)

(A.S.GADKARI, J.)