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

CRIMINAL REVISION APPLICATION (ST) NO.509 OF 2017
WITH
CRIMINAL APPLICATION NO.471 OF 2017
IN
CRIMINAL REVISION APPLICATION (ST) NO.509 OF 2017**

Sanjay Vasantao Bhingardev	...Applicant
Versus	
1. The State of Maharashtra	
2. Shreyash Nagari Sahakari Patsanstha Maryadit, Through Dadasaheb Kishan Patil	...Respondents

Mr.D.B.Shukla, for the Applicant.

Mr.S.S.Pednekar, A.P.P for the Respondent No.1-State.

Mr.Naveen Dwivedi, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for Admission. Learned APP waives service on behalf of Respondent No.1 – State. Mr.Naveen Dwivedi, waives service on behalf of Respondent No.2.

3. Learned Counsel for the applicant and the learned counsel for the respondent no.2 (original complainant) state that the parties have mutually settled their dispute. Learned Counsel have tendered the Consent Terms dated 26th September, 2017, duly signed by the parties. The same are taken on record and marked 'X' for identification. Learned Counsel for Respondent No.2 states, that the Respondent No.2 has received the entire amount and has no objection, to the quashing and setting aside of the order of conviction and sentence imposed by both the Courts i.e. learned IInd Joint Judicial Magistrate First Class, Vita in S.C.C.No.158 of 2010 and the learned Special Judge and Additional Sessions Judge-2, Sangli in Criminal Appeal No.137 of 2011.

4. The applicant was convicted by the IInd Joint Judicial Magistrate First Class, Vita in S.C.C.No.158 of 2010, vide Judgment and

Order dated 25th March, 2011, for the offence punishable under Section 138 of Negotiable Instruments Act, and was sentenced to suffer R.I for 4 months and to pay compensation of Rs.1,30,000/-, in default to suffer R.I. for 1 month. The said Judgment and Order was confirmed by the learned Special Judge and Additional Sessions Judge-2, Sangli, in Criminal Appeal No.137 of 2011, vide Judgment and Order dated 3rd April, 2017.

5. In view of the Consent Terms entered into between the parties, the Revision Application is allowed and the impugned judgment and order of conviction and sentence dated 25th March, 2011, passed by the IInd Joint Judicial Magistrate First Class, Vita in S.C.C.No.158 of 2010, and confirmed by the learned Special Judge and Additional Sessions Judge-2, Sangli, vide Judgment and Order dated 3rd April, 2017 passed in Criminal Appeal No.137 of 2011, are quashed and set-aside and the applicant is acquitted of the offence with which he is charged.

6. Revision Application is accordingly disposed of on the aforesaid terms.

7. In view of the disposal of the Revision Application, Criminal Application No.471 of 2017 does not survive and the same is also disposed of.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)