

Anand

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

**CRI. REVISION APPLICATION NO.498 OF 2017
WITH
CRIMINAL APPLICATION NO.489 OF 2017
IN
CRI. REVISION APPLICATION NO.498 OF 2017**

Rakesh Punshi Chheda .Applicant

Vs.

Kantilal Murji Vora & anr. .Respondents

Mr. R. Samant, Advocate, for the Applicant

Mr. A. Rajput i/b. Ms P. Gala, Advocate, for the Respondent No.1

Mr. S. S. Pednekar, APP, for the Respondent No.2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.09.2017

P.C.

. Mentioned. Not on board. Taken on board.

2. Heard learned counsel for the parties.

3. Learned counsel for the Applicant and the Respondent No.1 have tendered the Consent Terms entered into by and between the parties. The said Consent Terms are taken on record and marked as 'X-1' for identification. According to the Consent Terms, the Applicant

through his brother – Jayesh Chheda and nephew – Nikunj Savla have paid the Respondent No.1 a sum of Rs.50,000/- as & by way of full and final settlement of the dispute. In view of the said amount received by the Respondent No.1, the Respondent No.1 has no objection, if the impugned Judgments and Orders are quashed & set aside.

4. The Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, vide Judgment and Order dated 07.09.2016 passed by the learned Metropolitan Magistrate, 27th Court, Mulund in C.C.No.549/SS/2007 and was sentenced to undergo S.I. for three months. The Applicant was also directed to pay compensation of Rs.50,000/- to the Respondent No.1. The said Judgment and Order of conviction and sentence dated 07.09.2016 was confirmed in Appeal by the learned Sessions Judge vide Judgment and Order dated 13.09.2017. Presently, the Applicant is in custody. The Respondent No.1 is present in Court and accepts having received the said amount of Rs.50,000/-.

5. Learned counsel for the Respondent No.1 on instructions states that the Respondent No.1 has no objection, if the aforesaid impugned Judgments and Orders are quashed & set aside.

6. Accordingly, the Revision Application is allowed. The impugned Judgment and Order dated 07.09.2016 passed by the learned Metropolitan Magistrate, 27th Court, Mulund in C.C.No.549/SS/2007 as well as the Judgment and Order dated 13.09.2017 passed by the learned Additional Sessions Judge, Greater Mumbai in Cri. Appeal No.730 of 2016 are quashed and set aside. The Applicant is set at liberty forthwith.

7. Accordingly, the Revision Application is disposed of.

8. In view of disposal of the Revision Application, the Cri. Application No.489 of 2017 does not survive and the same stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)