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

CRIMINAL REVISION APPLICATION NO.502 OF 2017

Mohan Shettigar	...Applicant
Versus	
Chaitanya Y. Nikam and Anr.	...Respondents

Ms.Anjali Neel Helekar, for the Applicant.

Mr.S.S.Pednekar, A.P.P for the Respondent-State.

Mr.K.J.Rane, for the Respondent No.1.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.

2. Learned Counsel for the applicant and the learned counsel for the respondent no.1 (original complainant) state that the parties have mutually settled their dispute. Learned Counsel for the Respondent No.1 has tendered an affidavit of Respondent No.1. The same is taken on record. Respondent No.1 in the said affidavit has stated that he has resolved the dispute with the applicant and has no objection to

compounding of the offence.

3. The applicant has been convicted by the learned Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai, in Summary Criminal Case No.2001182/SS/2015, vide Judgment and Order dated 22nd April, 2016, for the alleged offence punishable under Section 138 of Negotiable Instruments Act, and was sentenced to suffer S.I for 4 months and to pay fine of Rs.17,40,000/-, in default to suffer S.I. for 6 months. The applicant was also directed to pay compensation under Section 357(1) of the Cr.P.C., for the whole amount of Rs.17,40,000/-, for the loss caused to the complainant including defraying the charges of the prosecution, out of the fine amount only. The said Judgment and Order was confirmed by the learned Additional Sessions Judge, Greater Mumbai, in Criminal Appeal No.539 of 2016, vide Judgment and Order dated 21st August, 2017, with some modification.

4. In view of the affidavit filed by the Respondent no.1, the Revision Application is allowed and the impugned judgment and order of conviction and sentence dated 22nd April, 2016, passed by the learned

Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai, in Summary Criminal Case No.2001182/SS/2015, and confirmed by the learned Additional Sessions Judge, Greater Mumbai, vide Judgment and Order dated 21st August, 2017 passed in Criminal Appeal No.539 of 2016, are quashed and set-aside and the applicant is acquitted of the offence with which he is charged.

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

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

(REVATI MOHITE DERE, J.)