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

CRIMINAL REVISION APPLICATION NO.579 OF 2016

- | | | |
|----|---------------------------------------|----------------|
| 1. | Multistoreys Projects Private Limited | |
| 2. | Manish Patel | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Mohammed Akbar | ...Respondents |

Ms.Veenu M. Dubey, for the Applicants.

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

Mr.Rajesh Jain, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.

2. Learned Counsel for the applicants 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. The compensation

awarded by the trial Court i.e. Rs.3,00,200/- has either been deposited in the Sessions Court or in the trial Court.

3. As per the Consent Terms, the applicants have given their no objection, if the Respondent No.2 withdraws the sum of Rs.1,78,200/- with interest accrued thereon, if any, lying in the Registry of the Sessions Court. The applicants have also given their no objection, if the Respondent No.2 withdraws a sum of Rs.1,22,000/- with interest accrued thereon, if any, deposited by the applicants in the learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai. The applicants have given an unconditional undertaking to assist and ensure that Respondent No.2 is able to withdraw the said amounts. Pursuant thereto, respondent no.2 has also given his no objection to the quashing and setting aside of the order of conviction and sentence imposed by the learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai, in C.C.No.257/SS/2013, vide Judgment and Order dated 11th April, 2014, and confirmed in Appeal by the learned Additional Sessions Judge, Greater Bombay, in Criminal Appeal No.351 of 2014.

4. The applicants have been convicted by the learned

Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai, in C.C.No.257/SS/2013, vide Judgment and Order dated 11th April, 2014, for the offence punishable under Section 138 of Negotiable Instruments Act. Applicant No.1 was directed to pay fine of Rs.2000/- and applicant no.2 was sentenced to suffer S.I for 3 months. The applicants were also directed to pay amount of Rs.2,97,000/- as compensation to the complainant, within 1 month. The said Judgment and Order was confirmed by the learned Additional Sessions Judge, Court Room No.43, Greater Bombay, in Criminal Appeal No.351 of 2014, vide Judgment and Order dated 1st August, 2016.

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 11th April, 2014, passed by the learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai, in C.C.No.257/SS/2013, and confirmed by the learned Additional Sessions Judge, Court Room No.43, Greater Bombay, vide Judgment and Order dated 1st August, 2016, passed in Criminal Appeal No.351 of 2014, are quashed and set-aside and the applicants are acquitted of the offences with

which they are charged.

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

7. Respondent No.2 is permitted to withdraw the sum of Rs.1,78,200/- with interest accrued thereon, if any, lying in the Registry of the Sessions Court and the sum of Rs.1,22,000/- with interest accrued thereon, if any, in the learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai. Parties to comply with their respective undertakings given by them in the consent terms.

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

(REVATI MOHITE DERE, J.)