

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

**CRIMINAL REVISION APPLICATION NO. 14 OF 2017
WITH
CRIMINAL APPLICATION NO. 10 OF 2017**

Mr. Sabir Ibrahim Payak ... Applicant

Versus

State of Maharashtra & Anr. ... Respondents

Mr. Sushrut Jadhwar for Applicant.
Mr. Amarnath S. Boddul for Respondent No.2.
Mr. P. H. Gaikwad, APP for State.

CORAM : NITIN W. SAMBRE, J.
DATE : APRIL 06, 2018.

P.C. :

Mr. Bipinchandra J. Haria holding Adhar Card No. 292072073871 is personally present in the Court. In addition, he is also identified by his Counsel Mr. Amarnath Boddul. Both the parties i.e. learned Counsel for the Complainant and learned Counsel for the Accused have tendered terms of settlement before this Court.

2. The Applicant – Accused was convicted by the Metropolitan Magistrate, 48th Court at Andheri, Mumbai for an offence punishable under Section 138 of the Negotiable Instruments Act, which was confirmed in Criminal Appeal by the learned Sessions Judge.

3. Pursuant to the above conviction, this is the Revision Application in which the Respondent No.2 – Original Complainant Mr. Bipinchandra J. Haria, who is personally present before the Court acknowledged the receipt of Demand Draft of Rs. 2,60,000/-. Details of which are mentioned in the consent terms. He further volunteers that the matter can be disposed of as compounded.

4. In view of above, pursuant to the provisions of Section 147 of the Negotiable Instruments Act read with Section 320 of the Code of Criminal Procedure the present Revision Application stands allowed in terms of prayer clause – (b).

5. In the backdrop of the consent terms, the amount, if any, deposited by the Applicant/Accused before the courts below out of the present proceedings be returned to the Respondent No.2, provided an application to that effect is moved to the concerned court, as the Applicant has not objected for the same.

(NITIN W. SAMBRE, J.)