

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

**CRI. REVISION APPLICATION NO.87 OF 2018
WITH
CRIMINAL APPLICATION NO.79 OF 2018**

Abhijeet Devandrakumar Shukla .. Applicant

Vs.

M/s.Sheeba Finances & Curies Ltd. & Anr. .. Respondents

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Ms.Shradha Achliya i/b. M/s. ALMT Legal, Advocate for the Applicant.

Mr.Abhijeet Devandrakumar Shukla, Applicant present in person.

Mr.Vivek Babar i/b. Mr.Abhaykumar Apte, Advocate for the Respondents.

Mr.S.S. Pednekar, APP for the Respondent – State.

Mr.Sudhakaran Nair, Authorized & General Manager of Respondent No.1.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 23, 2018.

P.C. :

The applicant is convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by judgment and order dated 30th June, 2011, in Summary Criminal Case No.803 of 2008. Applicant was sentenced to suffer simple imprisonment for one month and was directed to pay compensation of Rs.75,126/-. Applicant preferred an appeal against order of conviction which was dismissed vide judgment and order dated 6th November, 2017. The applicant has,

therefore, preferred this Revision Application, challenging the aforesaid judgment and order.

2 Applicant had also preferred criminal Application No.79 of 2018, for suspension of sentence awarded by the trial Court. The said application was heard on 6th february, 2018 and the sentence was suspended by granting bail to the applicant on a condition that the applicant shall deposit an amount of Rs.75,126/-, in this Court within a period of one week from the date of order.

3 Learned advocate for the applicant submitted that the amount of Rs.75,126/- has been deposited in this Court as directed in order dated 6th February, 2018. It is further submitted that during the pendency of this application, parties have arrived at amicable settlement. Consent Terms executed by both the parties were tendered in the Court. Along with the Consent Terms Resolution authorizing Mr.Sudhakaran Nair, Authorized & General Manager of Respondent No.1 to file complaint is annexed. The same are taken on record and marked “X” for identification.

4 As per the Consent Terms executed between the parties, the revision applicant have agreed to pay an amount of

Rs.1,50,000/- to the respondent no.1 towards full and final amount towards this proceedings which is agreed by the respondent - complainant. Consent Terms are signed by the revision applicant and his advocate as well as by the authorized representatives of the respondent company and its advocate.

5 In the Consent Terms, it is also stated that the Demand Draft dated 21st February, 2018 bearing No.153308 favouring "Sheeba Kuries Ltd." was issued by the revision applicant towards payment of compensation as agreed in the Consent Terms. It is also agreed that the amount of Rs.75,126/-, which has been deposited in this Court is allowed to withdrawn by the complainant. It is further submitted that initially at time of filing of the petition, the name of respondent - complainant was "M/s.Sheeba Finance & Curies Ltd." which is now changed to "M/s.Sheeba Kuries Ltd." The authorized representatives of the said complainant company who is present in the Court had filed the subject complaint before the trial Court. The resolution authorizing him to file complaint is annexed to the Consent Terms which also bears the name of the Company as "Sheeba Kuris Ltd". It is further stated that the Registry be directed to issue cheque in favour of the complainant company in the name of "Sheeba Kuris Ltd".

6 Considering the fact that the parties have arrived at amicable settlement which is averred from the Consent Terms, which were confirmed by the parties who were present in the Court. The applicant and respondents are allowed to compromise and compound the offence under Section 138 of the Negotiable Instruments Act, 1881, in accordance with Section 147 of the Negotiable Instruments Act, 1881.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Revision Application No.87 of 2018 is allowed in accordance with the Consent Terms executed between the parties and by compounding the offence, the impugned judgment and order dated 30th June, 2011, passed in Summary Criminal Case No.803 of 2008, passed by the Judicial Magistrate First Class, Khadki, Pune and confirmed vide order dated 6th November, 2017, passed by the District Judge-4 and Additional Sessions Judge,

Pune in Criminal Appeal No.290 of 2011, are set aside and the Revision Applicant is acquitted of the offence;

- (ii) Respondent no.1 is allowed to withdraw the amount of Rs.75,126/-, which has been deposited in this Court by the Revision Applicant. The Registry is directed to refund the said amount in favour of complainant by issuing cheque in the name of "Sheeba Kuris Ltd";
- (iii) Criminal Revision Application stands disposed of;
- (iv) The bail bonds executed by the applicant stands cancelled;
- (v) Criminal Application No.79 of 2018 also stands disposed of;

(PRAKASH D. NAIK, J.)