

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

**CRIMINAL APPLICATION NO. 339 OF 2017  
IN  
CRI.REVISION APPLICATION NO. 446 OF 2012**

Gyaniram Sakharam Atkari & Anr. .. Applicants

**Vs.**

ITL Tours & Travels Pvt. Ltd. & Anr. .. Respondents

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Mr.P.M. Khankar, Advocate for the Applicants.

Mr.Bharat Gadhvi, Advcoate for Respondent No.1.

Mr.P.H. Gaikwad - Patil, APP for the Respondent - State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : JANUARY 10, 2018.**

**P.C. :**

The applicant has preferred this application for setting aside the order of dismissal of revision application no.446 of 2012. Revision Application was preferred challenging the judgment and order of conviction passed by the trial Court as well as the Appellate Court for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881 (N.I. Act). The applicant had preferred an application for suspension of sentence. Vide order dated 12<sup>th</sup> April, 2013, passed in Criminal Revision Application No.446 of 2012, this Court had directed that

if the amount of Rs.1,00,000/- is deposited within one week in this Court, by the applicant in terms of earlier orders and directions, the Criminal Revision Application shall be listed after one week for admission. If the amount is not deposited within the stipulated period, the Revision Application shall stand dismissed without further reference to the Court.

2           The applicant did not comply the directions given in the order dated 12<sup>th</sup> April, 2013, and in view of the conditional order, Revision Application was dismissed.

3           The applicant has, therefore, preferred the application for restoration of Criminal Revision Application. It is submitted that the parties have settled the dispute and the entire amount of compensation, as awarded by the trial Court has been paid to the complainant. It is, therefore, submitted that the Revision Application be restored to the file. Considering the submissions advanced by the learned counsel for the applicant, Revision Application No.446 of 2012, be restored to the file.

4           Criminal Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**