

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL REVISION APPLICATION NO. 514 OF 2009**

Sanjay P. Dobaria

....Applicant

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. P.S. Kenani for the Applicant.

Mr. A.R. Patil APP, for the Respondent-State.

Ms. Prachita P. Vare for the Respondent No.2-Original complainant.

CORAM : A. S. GADKARI, J.

DATE : 5th OCTOBER, 2018.

P.C.:-

The Applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for three months and also to pay compensation of Rs.17,00,000/- to the Respondent No.2 by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai in CC No. 4692/SS/2005 by its Judgment and Order dated 28th May, 2007.

2 The Criminal Appeal No. 93 of 2007 preferred by the Applicant has been dismissed by the learned 2nd Ad-hoc Additional Sessions Judge, Mumbai at Sewree by its Judgment and Order dated 11th August, 2009.

3 Heard the learned counsel appearing for the Applicant, the
learned counsel for the Respondent No.2 and the learned APP.
Perused the record.

4 The learned counsel for the Applicant submitted that, the
parties herein have settled the matter amicably and have entered into
consent terms dated 3rd August, 2018. The said consent terms dated
3rd August, 2018 are tendered across the bar, which are duly signed by
Applicant and the representative of the Respondent No.2 and their
signatures have been identified by their respective Advocates. The
said consent terms are taken on record and marked “X” for
identification.

5 The learned counsel appearing for the Respondent No. 2
conceded to the fact of filing of consent terms and also tendered on
record an Affidavit dated 5th October, 2018, affirmed by Mr. Mayur
Vora, partner of Respondent No.2 company. The said Affidavit is also
taken on record and marked “X-1” for identification.

6 In view of the consent terms filed by the Applicant and
Respondent No.2, the impugned orders dated 28th May, 2007 passed
by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai in

C.C. No. 4692/SS/2005 and Order dated 11th August, 2009 passed by the learned 2nd Ad-hoc Additional Sessions Judge, Mumbai at Sewree in Criminal Appeal No. 93 of 2007, are hereby quashed and set aside and the Applicant is acquitted from the offence charged against him. Bail bond if any executed, stands cancelled.

7 Revision Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)