IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. REVISION APPLICATION NO.363 OF 2018
WITH
CRIMINAL APPLICACTION NO.352 OF 2018

M/s.Auro Pharmaceutical &
Fine Chemicals Pvt. Ltd. & Ors. .. Applicants

Vs.

The State of Maharashtra & Anr. .. Respondents

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Mr.Omkar P. Mulekar, Advocate for the Applicants.
Mr.S.R. Shinde, APP for the Respondent – State.
Mr.Rohan Sawant, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 20, 2018.

P.C. :

Heard both sides. The applicant is convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, vide judgment and order dated 29th July, 2015, passed by the learned Metropolitan Magistrate 14th Court, Girgaon, Mumbai in C.C.No.278/SS/2010. Appeal preferred by the applicant before the Sessions Court viz. Criminal Appeal No.979 of 2015, was dismissed by judgment and order dated 14th June, 2018.

Rajeshri Prakash Aher
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2 It is submitted that the parties have arrived at the settlement. There are other complaints also which had resulted in conviction. The said convictions are subject matters of the other Criminal Revision Application viz. 364, 365, 366, 367 and 368 of 2018.

3 The representative of the complainant as well as the accused are present in the Court. The counsel representing the complainant tendered the resolution authorizing Mr.Deepak J. Shah, the C.E.O. of the respondent complainant to represent the complainant company in these proceedings. He is also authorized to settle the matter and make any statement in that regard. The parties have also tendered Consent Terms executed by the complainant and the accused. Consent Terms along with resolutions referred to herein are taken on record and marked as ***"X",*** for identification. It is submitted that all the matters have been settled. It is agreed between the parties that the accused shall make payment of Rs.1,20,00,000/- towards full and final settlement in respect to all the proceedings which are subject matter of Revision Application. It is submitted that an amount of Rs.1,05,00,000/- is already parted to the complainant. This fact is not disputed by the complainant. It is further submitted that an amount of Rs.15,00,000/-, has been deposited during the

pendency of the proceedings before the Sessions Court. It is agreed that the said amount of Rs.15,00,000/-, be allowed to be withdrawn by the respondent–complainant.

4 In accordance with Consent Terms, the proceedings arising out of C.C.No.278/SS.2010 and all other complaints which are subject matter of Criminal Revision Applications referred to above are sought to be compounded and the complainant has no objection for setting aside the conviction of the Revision Applicant / Accused.

5 Considering the fact that the parties have settled the dispute, there is no impediment in allowing this application and setting aside the conviction in accordance with Section 147 of the Negotiable Instruments Act.

6 Hence, I pass the following Order:

:: O R D E R ::

(i) Revision Application No.363 of 2018 is allowed;

(ii) The impugned judgment and order dated 29th July,2015 passed by Metropolitan Magistrate 14th Court at Girgaon, Mumbai in C.C.No.278/SS/2010, as well as the judgment and order dated 14th June, 2018, passed by the Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.979 of 2015, are set aside and in view of the settlement between the parties, Revision Applicants are acquitted.

(iii) The amount deposited by the revision applicant during pendency of proceedings before Sessions Court is allowed to be withdrawn by complainant;

(iv) Revision Application Nos.363 of 2018 and Criminal Application No.352 of 2018 stand disposed of;

(v) Parties to act on an authenticated copy of this order.

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