

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

CRIMINAL REVISION APPLICATION NO. 505 OF 2016

Santokh Singh Bajwa	... Applicant
Vs.	
Charandas Bajwa & Anr.	... Respondents

...

Ms. Breeta Bajwa for the applicant.
Mr. Prashant M. Patil for the Respondent No.1.
Mr. A.R.Patil, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 27th JUNE, 2018.

P.C.

1. Revision Applicant challenges the Judgment and Order dated 4th June, 2012 passed by 5th Judicial Magistrate First Class Vashi, Navi Mumbai. While convicting the applicant, the trial Court had imposed the sentence of imprisonment till rising of the Court and pay a fine of Rs.1000/-, and in default of payment of fine, applicant to suffer 15 days simple imprisonment. The applicant was also directed to pay compensation of Rs.2,00,000/-. The appeal was preferred before the Sessions Court at Thane viz Criminal Appeal No.9 of 2013 which has been dismissed vide Judgment and Order dated 25th April, 2016.
2. During the pendency of this Revision Application both the parties have arrived at amicable settlement. The consent terms

dated 27th June, 2018 executed by both the parties are tendered. The same is taken on record and marked "X" for identification. As per the consent terms, the applicant agreed to pay the entire compensation of Rs.2,00,000/- to the respondent No.2. It is stated that an amount of Rs.1,25,000/- has already been deposited before the trial Court during the pendency of the proceedings and the complainant is allowed to withdraw the said amount. The applicant has also agreed to pay an amount of Rs.10,000/- towards compensation and interest amount. Thus, the balance amount of Rs.85,000/- is being paid to the complainant during the course of hearing vide cheque bearing No. 429836 dated 27th June, 2018.

3. The complainant and accused are present in the Court. They are identified by their respective advocate. They have confirmed the contents of the consent terms. The complainant has no objection for setting aside the Judgment and Order of conviction passed by the Courts below by compounding the offence and in view of the settlement executed between them.

4. Taking into consideration the aforesaid aspect and in the light of Section 147 of Negotiable Instruments Act, the parties can be allowed to compound the offence and the Judgment and Order

of conviction can be set aside in accordance with the consent terms executed between the parties. Hence, I pass the following order.

ORDER

- (i) In accordance with the consent terms dated 27th June, 2018, the Judgment and Order dated 4th June, 2012 passed by learned 5th Judicial Magistrate First Class, Vashi, Navi Mumbai, in Summary Criminal Case No.4916 of 2009, convicting the applicant for the offence punishable under Section 138 of Negotiable Instrument Act as well as Judgment and Order dated 25th April, 2016 passed by the learned Additional Sessions Judge, Thane dismissing the Criminal Appeal No. 9 of 2013 are hereby set aside. The impugned offence is allowed to be compounded;
- (ii) The applicant stands acquitted for the said offence;
- (iii) The respondent complainant is permitted to withdraw the amount of Rs.1,25,000/- deposited by the applicant in the Appellate Court in Criminal Appeal No. 9 of 2013;
- (iv) Criminal Revision Application No. 505 of 2016 stands disposed of.

(PRAKASH D. NAIK, J.)