

ISM

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

**WRIT PETITION NO. 3862 OF 2017
WITH
CRIMINAL APPLICATION NO. 421 OF 2017**

Prakash Atmaram Salvi

.....Petitioner

V/s.

The State of Maharashtra and another

....Respondents

Ms. Sandhya Mailagir i/b Ms. Neesha Mailagir for the petitioner.
Mr. Mikhail Dey for respondent no. 2.
Mr. Y. Y. Dabke APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 13, 2018.

P.C.

Complainant i.e. respondent no. 2 Yusuf Dayatar is personally present in the Court and is identified by his lawyer.

2 Complainant, so as to establish his identity, produced original PAN card issued by the Income Tax Department bearing no. AAIPD2639Q.

3 Applicant/accused was convicted for offence punishable under section 138 of the Negotiable Instruments Act, 1881 which was subsequently confirmed in an appeal. As such this petition.

4 It is jointly informed by the counsel, upon instructions that parties have amicably settled the matter and prayed for order pursuant to the provisions of section 147 of the Negotiable Instruments Act, 1881.

5 Complainant who is present in person has consented for acquittal of the accused as according to him, financial liability arising out of the cheque in question is satisfied.

6 In the wake of above, in my opinion, case for setting aside the conviction is made out pursuant to the consent extended by the complainant.

7 Conviction of the applicant/accused by Judgment and Order

dated 17/08/2013 passed in C.C. no. 1526/SS/2011 ordered by the Metropolitan Magistrate, Kurla, Court no. 61 confirmed in Revision no. 1311 of 2013 is hereby quashed and set aside.

8 Writ petition stands allowed in above terms.

9 In view of the disposal of the writ petition, application also stands disposed of.

[NITIN W. SAMBRE, J.]