

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

CRIMINAL REVISION APPLICATION (STAMP) NO. 540 OF 2018

WITH

CRIMINAL APPLICATION NO. 519 OF 2018

IN

CRIMINAL REVISION APPLICATION (STAMP) NO. 540 OF 2018

WITH

CRIMINAL APPLICATION NO. 520 OF 2018

IN

CRIMINAL REVISION APPLICATION (STAMP) NO. 540 OF 2018

Pheroz Mohammed Khan

....Applicant

Vs.

Vasudev V. Gadiyar & Anr.

....Respondents.

Mr. Sanjeev Kadam a/w Mr. Sunil Lahane I/by The Juris Partners for the Applicant.

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

Mr. Abhishek P. Deshmukh for the Respondent No.1.

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 one month and to pay compensation of Rs.17,85,000/-, (Rupees Seventeen Lacs Eighty Five Thousand only)

in default of payment of compensation to further suffer simple imprisonment for two months by the learned Metropolitan Magistrate 58th Court, Bandra, Mumbai in CC No.2383/SS/2013 by its Judgment and Order dated 5th May, 2016.

The Criminal Appeal No. 467 of 2016 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 25th July, 2017.

2 Heard the learned counsel appearing for the Applicant, the learned counsel appearing for the Respondent No.1 and the learned APP. Perused the record.

3 The learned counsel appearing for the Applicant submitted that, after the Judgment and Order passed by the learned Appellate Court, the Applicant has been taken into custody on 24th September, 2018, in pursuance of the execution of conviction warrant. He further submitted that, the parties herein have amicably settled the matter and the Applicant has decided to put an end to the entire litigation by making necessary payments to the Respondent No.1.

4 The learned counsel appearing for the Respondent No.1 conceded to the fact situation and tendered across the bar, an

Affidavit of Respondent No.1 dated 5th October, 2018 admitting the said facts. The said Affidavit is taken on record and marked "X" for identification.

5 In view of the amicable settlement arrived at between the parties and the Affidavit filed by the Respondent No.1, the impugned Orders dated 5th May, 2016 passed by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai in CC No.2383/SS/2013 and 25th July, 2017 passed by the Additional Sessions Judge, Greater Mumbai in Criminal Appeal No. 467 of 2016, are hereby quashed and set aside.

As a consequence thereof, the Applicant be released on bail immediately. The bail bonds, if any, executed by the Applicant, shall stand cancelled.

6 Revision Application is allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

7 In view of the Order passed in Criminal Revision Application No.540 of 2018, Criminal Application Nos. 519 of 2018 and 520 of 2018 do not survive and are accordingly disposed off.

S S
Mashalkar

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Date:
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(A.S. GADKARI, J.)