

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

**CRI.REVISION APPLICATION NO. 446 OF 2012
WITH
CRIMINAL APPLICATION NOS.338, 340 & 341 OF 2017**

Gyaniram Sakharam Atkari & Anr. .. Applicants

Vs.

ITL Tours & Travels Pvt. Ltd. & Anr. .. Respondents

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Mr.P.M. Khankar, Advocate for the Applicants.
Mr.Bharat Gadhvi, Advocate for Respondent No.1.
Mr.P.H. Gaikwad - Patil, APP for the Respondent - State.

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**CORAM : PRAKASH D. NAIK, J.
DATED : JANUARY 10, 2018.**

P.C. :

Learned advocate for the applicant and the respondent-complainant submitted that both the parties have arrived at amicable settlement. Consent Terms executed by the applicant-accused and respondent-complainant were tendered. The said Consent Terms are taken on record and marked "X" for identification. In the Consent Terms it has been stated that the respondent no.1 - complainant does not want to proceed with the matter and both the parties intend to compound the complaint. The Consent Terms further states that respondent no.1 has received the entire amount from the applicant-accused and nothing is due and payable by the applicant to respondent no.1 in

respect to the cheque in question. The Consent Terms further indicate that an amount of Rs.47,700/- and Rs.1,00,000/- which has been deposited by the applicant-accused before the trial Court shall be permitted to be withdrawn by the applicant. It is also stated that the cash bail amount of Rs.20,000/- deposited by the applicant shall be permitted to be withdrawn by the applicant. The applicant and respondent no.1 are present in Court. Both the parties have confirmed that they have arrived at settlement and they have signed the Consent Terms.

2 In the aforesaid circumstances, it is submitted that the proceedings may be compounded and the applicant be acquitted of the offence punishable under Section 138 of the N.I. Act.

3 In view of the Consent Terms and considering the fact that parties have compounded the offence and in accordance with Section 147 of the N.I. Act, the parties can be permitted to compound the offence. In accordance with the Consent Terms, the offence stands compounded and the judgment and order dated 1st March, 2012, passed by the learned Metropolitan Magistrate 33rd Court, Ballar Pier, Mumbai in C.C.

No.3146/SS/2009 convicting the applicant for the offence publishable under Section 138 of N.I. Act as well as the judgment and order dated 17th October, 2012, confirmed by the Sessions Court in Appeal preferred by the applicant are quashed and set aside and the applicant is acquitted of the offence.

4 The amount of Rs.42,700/- as well as Rs.1,00,000/- deposited by the applicant-accused in the Metropolitan Magistrate Ballard Pier, Mumbai is permitted to be withdrawn by him (applicant-accused). The applicant is also permitted to withdraw Rs.20,000/-, deposited by him towards cash bail amount.

5 In view of the above, Criminal Revision Application stands disposed of accordingly.

6 Criminal Application Nos.338, 340 & 341 OF 2017 stand disposed of.

(PRAKASH D. NAIK, J.)