

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.572 OF 2017
WITH
CRIMINAL APPLICATION NO.560 OF 2017

Deepali Sunil Walzade
versus
Dattatraya Kashinath Sonawane and another

Applicant
Respondents

Mr.Ganrang C.Jhaveri I/by Sachin Gite for applicant.
Ms.N.S.Jain, APP, for State.
Mr.Pritesh K. Bohade for respondent no.1.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd July 2018

PC :

1. The revision applicant is convicted for offence u/s 138 of Negotiable Instruments Act by judgment and order dated 31st October 2012 passed by learned Judicial Magistrate, First Class, Chandvad, District Nashik in SCC No.382 of 2006. She was sentenced to suffer simple imprisonment of three months and was directed to pay compensation of Rs.56,000/- to the complainant. The applicant thereafter preferred Criminal Appeal No.45 of 2012 before Sessions Court at Niphad. The appeal was dismissed on 7th October 2017.

2. Learned counsel representing both the parties submitted that the parties have arrived at amicable settlement. The dispute has been settled for Rs.96,000/-. It is submitted that Rs.20,000/- was

deposited before the Sessions Court during pendency of appeal. The applicant has also deposited Rs.36,000/- in the Trial Court pursuant to the directions issued by this Court while suspending the sentence. It is further submitted that the demand draft of Rs.40,000/- has been handed over to the complainant today during the course of these proceedings. The said fact is confirmed by the complainant. Both the parties are present in the Court. Consent terms signed by the revision applicant and the complainant-respondent are tendered in the Court. The same are taken on record and marked "X" for identification.

3. In the consent terms it is stated that the parties have settled the dispute and agreed to dispose off present revision application on the terms stipulated therein. It is also agreed that the respondent no.1 is entitled to withdraw Rs.36,000/- deposited by the applicant before the Trial Court and Rs.20,000/- deposited by the applicant before the Sessions Court. The complainant does not have any objection for allowing present revision application and acquitting the applicant-accused.

4. In view of the consent terms executed between the parties and in accordance with Section 147 of Negotiable Instruments Act and taking into consideration the fact that parties have resolved their dispute, the prayer made for setting aside the conviction deserves to be allowed. Hence, I pass following order :

ORDER

(i) In accordance with consent terms and Section 147 of Negotiable Instruments Act, the judgment and order dated 31st

October 2012 passed by learned JMFC, Chandvad in SCC No.382 of 2006, as well as the judgment and order dated 7th October 2017 passed by the District Judge-3 and Additional Sessions Judge, Niphad in Criminal Appeal No.45 of 2012, are set aside and applicant herein is acquitted for the offence u/s 138 of Negotiable Instruments Act;

(ii) Respondent no.1-complainant is allowed to withdraw Rs.36,000/- deposited by applicant in the Trial Court in SCC No.382 of 2006 and Rs.20,000/- deposited by the applicant before the Sessions Court in Criminal Appeal No.45 of 2012;

(iii) Criminal Revision Application No.572 of 2017 and Criminal Application No.560 of 2017 stand disposed off.

(PRAKASH D. NAIK, J.)

MST