

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 510 OF 2015  
IN  
CRIMINAL REVISION APPLICATION NO. 580 OF 2015**

|                                           |                 |
|-------------------------------------------|-----------------|
| Sanjay Rajaram Chavan                     | ... Applicant   |
| Vs.                                       |                 |
| Ravindra Rughari Wadekar and Anr.         | ... Respondents |
| ...                                       |                 |
| Ms. Vidhya A. Mangavde for the applicant. |                 |
| Ms. Sandhya Maitagir for Respondent No.1  |                 |
| Mrs. M.R. Tidke, APP for the State.       |                 |
| ...                                       |                 |

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 6<sup>th</sup> JUNE, 2018**

**P.C.**

1. The Revision Application was preferred against the Judgment and Order dated 24<sup>th</sup> January, 2014 passed by the Metropolitan Magistrate 48<sup>th</sup> Court Andheri, Mumbai in C.C. No. 2872/SS/2012 as well as against the Judgment and Order of 1<sup>st</sup> of December, 2015 passed by the Additional Session Judge, Greater Bombay in Criminal Appeal No. 144/2014.

2. The applicant was convicted for the offence punishable under Section 138 of Negotiable Instrument Act and was

sentenced to pay a fine of Rs. 7,80,000/- in default of payment of fine he was directed to suffer simple imprisonment for a period of five months. It was further directed that the amount of Rs.7,75,000/- be given to the complainant as compensation and Rs.5000/- was directed to be credited to the Government. The appeal preferred by the applicant has been dismissed.

3. During the pendency of this Revision Application both the parties have arrived at amicable settlement. The consent terms dated of 2<sup>nd</sup> of April, 2018 (affirmed on 6<sup>th</sup> of June, 2018) executed by both the parties were tendered. The same is taken on record and marked "X" for identification. The complainant and the accused are present before the Court. The complainant is identified by his advocate. He has confirmed the contents of consent terms. The respondent No.1 has no objection for setting aside the conviction. As per consent terms, the amount of Rs.6,69,000/- has been paid to the complainant. It is also stated that the accused has deposited Rs.1,56,000/- before the Trial court during pendency of the proceeding. It is agreed between both the parties that the complainant be permitted to withdraw the said amount of Rs.1,56,000/- .

4. Taking into consideration the consent terms executed

between both the parties, the proceeding can be quashed on the ground of settlement in accordance with the Section 147 of Negotiable Instrument Act. The proceeding under Section 138 of Negotiable Instrument Act can be compounded in terms of the settlement between the parties.

5. In the light of consent terms, the prayer for setting aside the conviction is required to be granted. Hence, I pass the following order.

#### **ORDER**

(i) In accordance with the consent terms dated 2<sup>nd</sup> April 2018 and settlement arrived at between both the parties, the Judgment and Order dated 24<sup>th</sup> January, 2014 passed by learned Metropolitan Magistrate, 48<sup>th</sup> Court, Andheri, Mumbai in C.C. No. 2872/SS/2012 convicting the applicant for the offence punishable under Section 138 of Negotiable Instrument Act as well as judgment dated 1<sup>st</sup> of December, 2015 passed by the learned Additional Sessions Judge, Greater Bombay dismissing the Criminal Appeal No. 144 of 2014, are hereby set aside. The impugned offence is allowed to be compounded;

(ii) The applicant stands acquitted of the said offence;

(iii) The respondent complainant is permitted to withdraw the

amount of Rs.1,56,000/- deposited in the Trial Court;

(iv) Criminal Revision Application No. 580/2015 and Criminal Application No.510/2015 stand disposed of.

**( PRAKASH D. NAIK, J. )**