

Anand

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

CRI. MISC. APPLICATION NO. 1483 OF 2016

Sudhir Ishwarchand Sachdeva .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. B. Darad, Advocate, for the Applicant
Mr. V. Chate, APP, for the Respondent No. 1 – State
Mr. A. Mishra, Advocate, for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

DATE : 01.02.2018

P.C.

. Heard learned counsel for the parties.

2. Learned counsel for the Applicant and the Respondent No. 2 state that the parties have amicably settled their dispute and have entered into Consent Terms. They submit that the Applicant and Respondent No. 2 have agreed to settled their dispute for Rs. 7,00,000/-. Learned counsel have tendered the Consent Terms dated 01.02.2018. The said Consent Terms are taken on record and marked as “X” for identification. By the said Consent Terms, the Applicant has paid a sum of Rs. 4,90,000/- to the Respondent No. 2. The Respondent No. 2 acknowledges receipt of the said amount of Rs. 4,90,000/-.

3. As far as the balance amount of Rs. 2,10,000/- is concerned, the said amount was deposited by the Applicant in the Registry of the Sessions Court, Thane. The Applicant has no objection, if the said amount is directed to be paid to the Respondent No. 2 alongwith accrued interest, if any. The Applicant has also handed over the original receipts of Rs. 2,10,000/- deposited by the Applicant in the Sessions Court, Thane.

4. In view of the aforesaid, the Respondent No. 2 has no objection, if the Judgment & Order dated 02.05.2015 of conviction and sentence, passed by the trial Court is quashed & set aside. Both, the Applicant and the Respondent No. 2 are present in Court and they are identified by their respective counsels.

5. Perused the papers. The Applicant vide Judgment and Order dated 02.05.2015 passed in C. C. No. 2841 of 2012 has been convicted by the learned Judicial Magistrate First Class, 3rd Court, Vashi, Navi Mumbai, and is sentenced to suffer S. I. for six months and to pay fine amount of Rs. 7,00,000/-, in default to suffer further S. I. for three months.

6. Being aggrieved by the said Judgment & Order of conviction and sentence, the Applicant herein filed an Appeal, being Cri. Appeal No. 136 of 2015 in the Sessions Court. The said Appeal was dismissed for non-prosecution vide Order dated 24.11.2016 by the learned Sessions Judge.

7. In view of the Consent Terms tendered today and in view of the no objection given by the Respondent No. 2, the Judgment and Order dated 02.05.2015 passed by the learned Judicial Magistrate First Class, 3rd Court, Vashi, Navi Mumbai in C. C. No. 2841 of 2012 is quashed & set aside and the Applicant is hereby acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.

8. In view of the quashing of the Judgment and Order of conviction and sentence, nothing survives for consideration in the Appeal which was filed by the Applicant.

9. On an Application being preferred by the Respondent No. 2, Registry of the District Court, Thane shall release the said amount of Rs. 2,10,000/- deposited by the Applicant in Cri. Appeal No. 136 of 2015 alongwith accrued interest, if any.

10. Accordingly, the Application is allowed and is disposed of in the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)