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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION (ST) NO.662 OF 2017

WITH

CRIMINAL APPLICATION NO.611 OF 2017

Dinesh V.Darji

..Applicant.

V/s.

The State of Maharashtra & Anr.

..Respondents.

Mr.Jitendra Gor i/b. Ms.Sushma Gor for the applicant.

Mrs.S.S.Kaushik, APP for respondent No.1-State.

Ms.Kalpana Trivedi for respondent No.2.

CORAM: NITIN W.SAMBRE, J.

DATE : MARCH 9, 2018

PC.:-

A partner of the firm Mr. Jyotindra Dhirajlal Sanghavi is present in the Court and has produced his Aadhar card bearing No.7062 4631 2543 so as to disclose his identity. By virtue of an authority letter, the original of which is produced on record, he submits that as a partner of the firm, a copy of the Partnership Deed is produced on record, he is entitled to state that the dispute between the parties which has given rise to the criminal

prosecution of the applicant for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 ('the N.I. Act' for short) is settled. He in categorical terms states that amount of compensation of Rs.1 lakh is already received by the Partnership Firm and urged that the prosecution initiated against the respondent be disposed of in terms of section 147 of the N.I. Act.

2. In view of the statement made by the partner that he has received the amount of compensation and is not interested in prosecuting the prosecution of the present applicant, the present application stands allowed. The prosecution initiated against the present applicant resulting into his conviction by judgment and order dated December 2, 2014 passed by the Metropolitan Magistrate, 28th Court, Esplanade, Mumbai in C.C. No.1660//SS/2011 which is confirmed in Appeal No.329/2014 by the learned Additional Sessions Judge is hereby quashed and set aside. The present revision application stand disposed of in the above terms.

3. In view of disposal of the revision, the criminal application also stands disposed of.

(NITIN W.SAMBRE, J.)