

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

**CRIMINAL REVISION APPLICATION No. 26 OF 2016
WITH
CRIMINAL APPLICATION No. 19 OF 2016
IN
CRIMINAL REVISION APPLICATION No. 26 OF 2016**

HydroairTectonics (PCD) Ltd. & Ors.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr.Vivek S. Babar for the Applicants.

Mr.N.B.Patil, APP for Respondent No.1-State.

Mr.Kafil A. Khan a/w. Ms.Sana Kafil Khan for Respondent No.2.

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**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 08 APRIL 2019**

P.C.:

1. The learned Counsel for both the parties submit that the matter is settled between the parties.

2. The learned Counsel for the applicants submits that the applicants have deposited Rs.10,08,750/- in the Sessions Court, Mumbai at the time of granting bail and suspension of sentence. He produces photocopy of the said receipt, as the original receipt has been lost. He further submits

that during mediation, the applicants have paid Rs.5,00,000/- to respondent No.2.

3. The learned Counsel for respondent No.2 submits that the applicants have deposited the amount i.e., Rs.10,08,750/- in Criminal Writ Petition No. 3107 of 2013. However, he admits that an amount of Rs. 5,00,000/- is paid to respondent No.2.

4. Registry has placed on record the report dated 4th April, 2019 sent by Mediator wherein it is informed that the mediation is successful. The said report is taken on record.

5. The learned Counsel for the applicants and respondent No.2 /original complainant filed the consent terms dated 2nd April, 2019. The parties along with their respective Counsel signed the consent terms. The consent terms is taken on record and marked as **Exhibit-1**. The undertakings given in the consent terms by the parties are accepted.

6. It is to be noted that earlier the name of the company i.e., respondent No.2 was "Sedum Investments & Finance Pvt. Ltd.", which is now known as "Khazana Tradelinks Pvt. Ltd.".

7. Registry of the Sessions Court, Mumbai is directed to take note of this. If the application is moved for withdrawal of the amount by respondent No.2 in the name of “Khazana Tradelinks Pvt. Ltd.”, which was formally known as “Sedum Investments & Finance Pvt. Ltd.”, then it is to be allowed.

8. In view of the consent terms, the order of conviction dated 29th December, 2012 passed by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai in C.C. No. 12601/SS/2009 is hereby quashed and set aside. Similarly, the order dated 9th October, 2015 passed by the learned Special Judge, City Civil & Sessions Court, Gr. Mumbai in Criminal Appeal No. 199 of 2013 is also quashed and set aside.

9. The learned Counsel for the applicants submits that the applicants have deposited Rs.10,000/- in the Court of the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai and hence, prays for withdrawal of the said amount.

10. The applicants are directed to move an application before the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai for withdrawal of an amount of Rs.10,000/-.

11. Registry of the Sessions Court, Mumbai to act upon photocopy of the receipt, however, the details are to be verified from the counter file and record of the Sessions Court while withdrawing the amount of Rs.10,08,750/-.

12. With this, Criminal Revision Application is disposed of.

13. As the Revision Application is disposed of, nothing remains in the Criminal Application and the same is accordingly disposed of.

(MRIDULA BHATKAR, J.)