

Vidya Amin.

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

CRIMINAL REVISION APPLICATION NO. 136 OF 2019

Sarfaraz@ Abdul Jabbar Ahmed Ansari ... Applicant
VS.
Khan Mohd. Azeem Mohd. Salim & Anr. ... Respondents

Mr. Prafullakumar B. Patil, Advocate for the applicant.
Mr. Pratik Shah, Advocate for respondent no. 1.
Mr. N.B. Patil, APP for respondent no. 2/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 18th March, 2019**

P.C. :

Upon mentioning, taken on production board.

2. The applicant/accused is convicted for the offences punishable under section 138 of Negotiable Instruments Act by the order dated 1st March, 2016 passed by the learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai and also by the order dated 11th February, 2019 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay confirming the said order of conviction. Therefore, these two orders are challenged in this Criminal Revision Application.
3. The learned counsel for the applicant/accused and learned counsel for the respondent no.1/complainant submit that the

cheque amount though was Rs.7,00,000/-, the matter was settled between the parties at Rs.3,25,000/-. Out of the amount of Rs.3,25,000/-, Rs.2,55,000/- is paid by the applicant/accused to the complainant and the remaining amount of Rs.70,000/- is deposited in the trial Court.

4. The parties have settled the matter and to that effect, consent terms are filed. The learned counsel submit that the respondent no.1/original complainant and applicant/accused both are present in the Court. The identity of both the parties are verified by the Sheristedar of the Court and it is found correct. The parties have signed the consent terms dated 18th March, 2019 along with their respective counsel. The statements made in the consent terms are accepted. The consent terms are taken on record.

5. In view of the consent terms, Criminal Revision Application is allowed in terms of prayer clause 13(b). The complainant is allowed to withdraw the amount of Rs.70,000/- from the trial Court.

(MRIDULA BHATKAR, J.)