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

**CRIMINAL REVISION APPLICATION NO. 221 OF 2017
WITH
CRIMINAL APPLICATION NO.229 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 221 OF 2017
WITH
CRIMINAL APPLICATION NO.238 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 221 OF 2017**

Mohammed Fahim Shaikh

... Applicant

V/s.

Mrs. Asiya Hanif Khan and anr

... Respondents

Smt. Seema Singh, for the Applicant.

Mr. Rohit Sawant, for respondent No.1.

Mr. Vinod Chate, APP for respondent State.

CORAM : N. J. JAMADAR, J.

DATE : 6th November, 2019.

PC. :

1] Heard learned counsel for the parties.

2] This Revision assails the order dated 30.03.2017, passed by the learned Additional Sessions Judge, in Criminal Appeal No.367 of 2012, whereby the appeal preferred by the applicant against the judgment and order dated 31st March, 2012, in C.C.No.218/SS/2010, of conviction and sentence came to be dismissed; and the said order of conviction and

sentence came to be confirmed.

3] During the pendency of this Revision, the parties have amicably resolved the dispute. In pursuance of the resolution of the dispute, the parties have tendered Consent Terms before this Court. The Consent Terms are taken on record and marked as Exhibit “X” for identification. Mr. Asiya Hanif Khan, respondent No.1 is present before this Court. She admits the contents of the Consent Terms and her signature thereon. She is identified by learned counsel for respondent. Learned counsel for both the parties have also signed the consent terms.

4] In view of the composition arrived at between the parties, the Revision Application deserve to be allowed in terms of following order.

Order.

i] The complaint in C.C. No.218/SS/2010 stands disposed of as compounded.

ii] The judgment and order of conviction for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, passed by the learned Metropolitan Magistrate, in C.S. No.218/SS/2010, dated 31st March, 2012, and confirmed by the Appellate Court in Criminal Appeal No.367 of 2012, stands quashed and set aside.

iii] The applicant accused Mohmed Fahim Shaikh stands acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

iv] The respondent No.1 original complainant is entitled to

withdraw an amount of Rs.22,00,000/ deposited by the applicant before the learned Metropolitan Magistrate, 58th Court, Bandra, vide Receipt No.0621230 dated 15.5.2017 and the applicant accused is entitled to withdraw rest of the amount deposited by him in the said case.

v] The learned Metropolitan Magistrate, 58th Court, Bandra is directed to release an amount of Rs.22,00,000/- in favour of respondent No.1 complainant and rest of the amount deposited in the said case in favour of the applicant accused.

vi] In view of disposal of Criminal Revision Application, Criminal Application Nos.229 of 2017 and Criminal Application No.238 of 2017 do not survive and they are accordingly disposed of.

[N. J. JAMADAR, J.]