

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

**CRIMINAL REVISION APPLICATION NO.261 OF 2018
with
CRIMINAL APPLICATION NO.253 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.261 OF 2018**

M/s.Kaivalya Arch Pvt. Ltd. & anr. ... Applicants

Vs.

M/s. Associated Polymers & anr. ... Respondents

Mr.Shreeram Sirsat with Harsh Parte and Nikhil Biyani for the Applicants

Mr.Ranjit Ajit Agashe for Resp. No.1

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 23, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicants in this revision application have been convicted by judgment and order dated 6.4.2015 passed in CC No.4301698/SS/2010 by the learned Metropolitan Magistrate, 43rd Court, Borivali for the offence punishable under section 138 of the Negotiable Instruments Act. The said order of conviction was confirmed in Appeal No.39 of 2015 by judgement and order dated

23.4.2018 by the learned Additional Sessions Judge, Dindoshi, Mumbai. Therefore, this revision application is filed.

3. Learned Counsel for the applicants submits that some part of the amount was deposited in the Sessions Court and some part of the amount of compensation was paid to the complainant. Consent terms are already filed on record before this Court.

4. The learned Counsel for the complainant confirms the full and final settlement towards payment. In view of the consent terms, this matter can be disposed of with the following order:

i) The order dated 6.4.2015 passed by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai in CC No.4301698/SS/2010, and the order dated 23.4.2018 passed by the learned Sessions Judge, Dindoshi, Mumbai in Appeal No.39 of 2015 are set aside;

ii) Liberty given to the complainant to withdraw the amount from the Sessions Court which is deposited by the applicants in Criminal Appeal No.39 of 2015.

iii) Bail bonds stand cancelled.

5. Revision application is disposed of in terms of consent terms.

(MRIDULA BHATKAR, J.)