

Vidya Amin.

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

**CRIMINAL REVISION APPLICATION NO. 434 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 435 OF 2015**

Sankalp Enterprises ... Applicant
vs.
The State of Maharashtra & Anr. ... Respondents

Mr Anilkumar K. Patil, Advocate for the applicant.

Mr. Noman Jafri i/b. MIR Associates, Advocate for respondent No. 2.

Mr. A.R. Patil, APP for the respondent/State.

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

P.C. :

The applicant/accused is a proprietary concern where the sole proprietor is convicted for the offence punishable under section 138 of Negotiable Instruments Act.

2. Today, the learned counsel for both the parties submitted that the respondent no. 2/original complainant Mr. Banvari Yadav is no more and his legal heirs are brought on record. Now both the parties have decided to settle the dispute by amicable settlement. They have entered into consent terms, which are produced before the Court. The learned counsel for both the parties submit that the

parties undertake to comply with and abide by the terms mentioned in the consent terms dated 14th December, 2018. The undertaking and the terms of consent terms are accepted. The parties are present in the Court. The identify of the parties are verified by the Sheristedar of the Court. The consent terms are taken on record and marked as Exhibit X-1 for identification. The consent terms are signed by both the parties and their respective advocates.

3. In view of the consent terms, the following order is passed:

- (i) (a) In Criminal Revision Application No. 434 of 2015, the order dated 6th May, 2011 passed by the learned Judicial Magistrate, First Class, Nashik in Summary Criminal Case No. 1761 of 2003 and the judgment and order dated 2nd September, 2015 passed by the learned Sessions Judge, Nashik in Criminal Appeal No. 112 of 2011 are quashed and set aside.
- (b) The process issued in Summary Criminal Case No. 1761 of 2003 is hereby quashed and set aside.
- (c) The applicant/accused is acquitted in the said case.

- (ii) (a) In Criminal Revision Application No. 435 of 2015, the order dated 6th May, 2011 passed by the learned Judicial Magistrate, First Class, Nashik in Summary Criminal Case No. 1764 of 2003 and the judgment and order dated 2nd September, 2015 passed by the learned Sessions Judge, Nashik in Criminal Appeal No. 113 of 2011 are quashed and set aside.
- (b) The process issued in Summary Case No. 1764 of 2003 is hereby quashed and set aside.
- (c) The applicant/accused is acquitted in the said case.

4. Criminal Revision Applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)