

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 44 OF 2021

WITH

INTERIM APPLICATION NO. 646 OF 2021

Rashmin Vasa

... Applicant

V/s.

Compuage Infocom Ltd. & Anr.

... Respondents

Mr.Sameer Nangre for Applicant.

Mr.Francis Fernandes for Respondent No.1.

Mr.A.R. Patil, A.PP. for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 23rd February 2021.

PC. :

The applicant has been convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for 1 year and to pay compensation of Rs.8,27,180/- along with simple interest accrued thereon at the rate of 9% per annum to the respondent No.1 till its realization by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai, by its Judgment and Order dated 25th January 2019.

The Criminal Appeal No. 168 of 2019 preferred by the applicant has been dismissed by the learned 2nd Additional Principal Judge and Special Judge, Greater Mumbai by its Judgment and Order dated 17th February 2021.

2. Learned counsel appearing for the respondent No.1 submitted that, the applicant and the respondent No.1 have settled the matter amicably and in pursuance of their settlement, the respondent No.1 has received agreed amount from the applicant. He submitted that, the respondent No.1 has no grievance against the applicant, as of today, with respect to the cheque involved in the present proceedings. He tendered across the bar an Affidavit dated 18th February 2021 affirmed by the authorized representative of the respondent No.1 in that behalf. The said affidavit is taken on record and marked 'X' for identification.

In the said Affidavit, the authorized representative of the respondent No.1 has stated that, the respondent No.1 has no objection to quash and set-aside the impugned Judgments and Orders passed by the Courts below, as the applicant and the respondent No.1 have settled the matter amicably.

3. In view of the above and the Affidavit filed by the authorized representative of the respondent No.1, the applicant is permitted to compound the offence and is accordingly compounded. Impugned Judgments and Orders dated 25th January 2019 passed by the Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in CC No. 152/SS/2017 and dated 17th February 2021 passed by 2nd Additional Principal Judge and Special Judge, Greater Mumbai in Criminal Appeal No. 168 of 2019 are quashed.

4. Revision Application is allowed in the aforesaid terms.
5. In view of disposal of Revision Application, Interim Application No.646 of 2021 does not survive and is accordingly disposed off.
6. All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn

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