

Tandale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL REVISION APPLICATION NO.87 OF 2021
WITH
CRIMINAL INTERIM APPLICATION NO.1086 OF 2021**

Dilip Shankar Dhamale Applicant.

Vs.

Veena Anil Karande and Anr. Respondents.

Mr. Rahul Kashid for the Applicant.

Mr. Sagar Sampat for the Respondent No.1.

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

CORAM : A. S. GADKARI, J.

DATE : 24th MARCH, 2021.

PC:-

1. Learned counsel for the applicant/accused submitted that, the parties herein have settled the matter amicably and have entered into the 'Consent Terms' dated 24th March 2021. He has tendered across the bar 'Consent Terms' dated 24th March 2021. The said 'Consent Terms' are duly signed by the applicant and respondent No.1. Their signatures have been duly identified by the Jailer, Yerwada Central Jail, Pune and the Advocate on record for the respondent No.1 respectively. The said 'Consent Terms' are taken on record and marked 'X' for identification.

2. Learned counsel for the applicant/accused further submitted that, in furtherance of 'Consent Terms', today he has handed over a Demand

Draft of Rs.2,00,000/- (Rupees Two Lakhs Only) to the learned Advocate for the respondent No.1. This Court suggested the learned Advocate for the respondent No.1 that, hearing of the present Application can be deferred till encashment of the said Demand Draft. He insisted that, there is no need to wait for the said event and he is confident that, the said Demand Draft will be encashed.

3. Be that as it may. The parties herein have settled the matter amicably and the learned Advocate for the respondent No.1, on instructions has given consent for quashing all the proceedings initiated against the applicant.

4. In view of the above, the Judgment and Order dated 5th January 2018 passed by the learned 2nd Judicial Magistrate, First Class, Vadgaon Maval, Pune in S.C.C. No.893 of 2015, thereby convicting the applicant under Section 138 of the Negotiable Instruments Act 1881, and the Judgment and Order dated 12th March 2021 passed by the learned Additional Sessions Judge, Pune in Criminal Appeal No. 100 of 2018, confirming the Order passed by the Trial Court, are hereby quashed and set aside. Applicant is acquitted from all the charges framed against him in S.C.C. No. 893 of 2015.

5. Application is allowed in the aforesaid terms.

6. In view of the disposal of present Revision Application, Interim Application No.1086 of 2021 does not survive and is accordingly disposed

off.

7. It is brought to the notice of this Court that, after pronouncement of Judgment and Order dated 12th March 2021, by the learned Appellate Court, the applicant has been taken into custody for undergoing sentence.

8. In view of the fact that, the proceedings against the applicant are quashed, applicant be released from Jail forthwith.

9. All the concerned to act on the basis of the authenticated copy of this Order.

(A.S. GADKARI, J.)