

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 595 OF 2018

Dashrath Ramchandra Ghorpade

...Applicant

Versus

1. The State of Maharashtra
2. Shaikh Sarfaraz Ahemd (Deceased)
3. Farhad Jabeen Shaikh
4. Shahin Shaikh

...Respondents

Mr. Sachin H. Deokar for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent No.1-State.

Mr. Sanjay Bhojwani for the Respondent Nos.3 and 4.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd AUGUST, 2021

P.C. :

1. At the outset, learned Counsel for the Applicant seeks leave to amend the cause title of the aforesaid Revision Application as permitted by this Court vide order dated 26th April, 2021. Leave granted. Amendment to be carried out during the course of the day.

2. Learned Counsel for the Applicant and learned Counsel for the

Respondent Nos.3 and 4 (only legal heirs of the Respondent No.2) state that both the parties i.e. the Applicant and Respondent No.2 have amicably settled their dispute and have entered into Consent Terms. Learned Counsel for the Respondent Nos.3 and 4 have tendered the Consent Terms entered into between the Applicant and the said Respondents (only legal heirs of the Respondent No.2). The said Consent Terms is taken on record and marked as 'X' for identification.

3. From a perusal of the Consent Terms, it appears that the parties have settled their disputes on certain terms and conditions. The dispute settled is for an amount of Rs.12,72,000/-. It appears that the Applicant had deposited Rs.6,50,000/- in the Sessions Court, Pune and Rs.6,22,000/- in the Registry of this Court. In the said Consent Terms, the Applicant has given his no objection to the Respondent Nos.3 and 4 (only legal heirs of the Respondent No.2) to withdraw the aforesaid amounts deposited by the Applicant in the Registry of the Sessions Court, Pune and in the Registry of this Court, alongwith accrued interest thereon, if any. Similarly, the Respondent Nos.3 and 4, by the said Consent Terms have also given their no objection and consented for compounding the offence and quashing and setting aside the impugned judgment and order passed by the Trial Court as well as by the Appellate Court. Learned Counsel for the Applicant

identifies the signature of the Applicant as it appears on the Consent Terms and learned Counsel for the Respondent Nos.3 and 4 also identifies the signature of the Respondent Nos.3 and 4, who are the only legal heirs of the Respondent No.2.

4. In view of the Consent Terms arrived at by and between the parties, the Revision Application is allowed and the Judgment and Order dated 19th September, 2015 passed by the 18th Judicial Magistrate First Class, Pune in SCC No. 12346 of 2011 as well as the Judgment and Order dated 31st October, 2018 passed by the Sessions Court, Pune, in Criminal Appeal No. 520 of 2015, confirming the conviction of the Applicant are quashed and set aside.

5. The Respondent Nos.3 and 4 are permitted to withdraw the amounts of Rs.6,50,000/- and 6,22,000/- from the Registry of the Sessions Court, Pune, and the Registry of this Court, respectively, alongwith accrued interest if any, thereon, on showing proof of their identity.

6. The Applicant to deposit sum of Rs.25,000/- with the Bar Council of Maharashtra and Goa Covid-19, Fund. The said amount to be deposited within two weeks of uploading of this order.

7. Revision Application is allowed on the aforesaid terms and conditions and is accordingly disposed of.
8. Matter to be listed for recording compliance of the deposit of Rs.25,000/- with the Bar Council of Maharashtra and Goa Covid-19, after two weeks.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.