

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.23 OF 2016**

Tausif Hasan Khan ... Applicant
versus
Prasad Laxman Dhuri and Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.939 OF 2022**

Mr. Rameshwar N. Gite, for Applicant in Criminal Revision Application No.23 of 2016.

Mr. N.M.Nadar h/f Advocate Merchant, for Respondent No.1.

Mr. A.R.Patil, APP, for State.

Mr. Tausif Hasan Khan, Applicant present.

Mr. Prasad Laxman Dhuri, Respondent No.1 present.

CORAM: N.J.JAMADAR, J.

DATE : 26th APRIL, 2022

P.C.

1. Heard the learned Advocates for the Applicant and the Respondent No.1. On 11th March, 2022 the parties had tendered the Consent Terms which were taken on record. The matter came to be posted today to report compliance.

2. The learned Counsel for the parties submit that the parties have complied with the undertakings recorded in the Consent Terms. The Respondent No.1 – Original Complainant is present in Court. He confirms that a sum of Rs.5,60,000/- has been paid to him. The Applicant and the Respondent No.1 further submit

that they have voluntarily executed the Consent Terms and there is no coercion or duress.

3. In view of the settlement arrived at between the parties evidenced by the Consent Terms, which the parties state to have been duly complied with, the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 stands compounded.

4. The order dated 9th January, 2014 passed by the learned Metropolitan Magistrate in C.C.No.448/SS/2007 thereby convicting the Applicant for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer rigorous imprisonment for six months and pay compensation of Rs.3,00,000/- along with interest @ 9% p.a. from 15th February, 2007 stands quashed and set aside. The order dated 5th December, 2015 passed by the Additional Sessions Judge, in Criminal Appeal No.79 of 2014 dismissing the Appeal and confirming the aforesaid judgment and order of conviction and sentence passed by the learned Metropolitan Magistrate, also quashed and set aside.

5. The Applicant / Accused - Tausif Hasan Khan stands acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

6. The Revision Application thus stands allowed in the

aforesaid terms.

7. Interim Application No.939 of 2022 also stands disposed of.

(N.J.JAMADAR, J.)