

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.139 OF 2021

Lakkshyaa Buildwell (India) Pvt.Ltd.

And another

Applicants

versus

The State of Maharashtra and another

Respondents

Mr.Jigar Agarwal with Mr.Niranjan K. i/by Mr.Ashish Dubey,  
Advocate for applicants.

Mr.Ashoo Prithviraj Sethi, respondent no.2, present.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 12<sup>th</sup> July 2022

PC :

1. This is an application challenging judgment and order dated 3<sup>rd</sup> September 2016 passed by learned Metropolitan Magistrate, 48<sup>th</sup> Court, Andheri, Mumbai, in CC No.1547/SS/2013 convicting revision applicant for offence under Section 138 of Negotiable Instruments Act and sentencing him to imprisonment of one year and fine of Rs.7,00,000/-, and judgment and order dated 2<sup>nd</sup> March 2020 passed by Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai in Criminal Appeal No.183 of 2016 confirming the judgment of Trial Court.

2. During pendency of this revision application parties have arrived at amicable settlement and executed consent terms dated 23<sup>rd</sup> June 2022. In accordance with consent terms the complainant has been allowed to withdraw amount of Rs.5,50,000/- deposited in this Court and Rs.1,50,000/- deposited before Sessions Court.

3. The consent terms are tendered. Same are taken on record and marked "X" for identification. The complainant is present in Court. He confirms execution of consent terms.

4. In view of execution of consent terms, I pass following order :

**ORDER**

(i) Criminal Revision Application No.139 of 2021 is allowed and disposed of;

(ii) Impugned judgment and order dated 3<sup>rd</sup> September 2016 passed by learned Metropolitan Magistrate, 48<sup>th</sup> Court, Andheri, Mumbai, in CC No.1547/SS/2013 convicting revision applicant for offence under Section 135 of Negotiable Instruments Act and sentencing him to imprisonment of one year and directing to pay fine of Rs.7,00,000/-, as well as judgment and order dated 2<sup>nd</sup> March 2020 passed by Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai, in Criminal Appeal No.183 of 2016, are set aside and revision applicant is acquitted;

(iii) The complainant is permitted to withdraw the amount deposited by revision applicant before this Court and Sessions Court;

(iv) Copies of necessary documents be provided by revision applicant to the complainant including receipts, if any, and the revision applicant shall co-operate with complainant for withdrawal of deposited amount.

(PRAKASH D. NAIK, J.)

MST