

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO. 383 OF 2018

Milind Yenge Reddy

Applicant

Versus

The State of Maharashtra

Respondent

**WITH
INTERIM APPLICATION NO. 1875 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 383 OF 2018**

Chunilal J. Patel

Applicant.

Versus

Milind Yenge Reddy & Anr.

Respondents.

Mr. Shashikant P. Chaudhary a/w Snehal S. Chaudhary
for the applicant in Revision Application.

Ms. Maya Dave for Applicant in IA/1875/2022 and
Respondent No.2 in Revn Appln.

Mr. Chunilal J. Patel present in the Court.

Mr. Milind Y. Reddy present in court.

Mr. S. R. Agarkar, APP for respondent/State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th July 2022

PC :

1. Revision applicant has been convicted for the offence punishable under Section 138 of Negotiable Instruments Act vide judgment and order dated 07.04.2012 passed by learned Metropolitan Magistrate

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13rd Court Dadar Mumbai in C.C. No. 1308427/SS/2011. The revision applicant has been sentenced to undergo simple imprisonment till rising of the Court. He was directed to pay compensation of Rs.1,90,000/- to complainant. The applicant had preferred Criminal Revision Application No. 159 of 2012 before Sessions Court which has been dismissed by order dated 30.04.2013.

2. Learned advocate representing both sides submitted that the parties have settled the dispute and executed consent terms. Parties are present in the Court. In the consent terms, it is mentioned that the applicant had paid an amount of Rs. 63,340/- and deposited amount of Rs. 35,000/- as per the direction of this Court. Thus, revision applicant had deposited Rs.98,340/- out of Rs.1,90,000/-. The balance amount of Rs.91,660/- is agreed to be paid to the revision applicant in accordance with consent terms. The advocate for revision applicant has handed over the demand draft of Rs. 91,660/- issued on Bank of Baroda, Horniman Circle, Branch Mumbai in favour of

respondent Mr. Chunilal J. Patel to the respondent/complainant. Amount deposited earlier has been withdrawn by complainant. The complainant had agreed that the revision applicant may be acquitted for the offence under Section 138 of Negotiable Instruments Act by setting aside the impugned judgment of conviction.

3. The consent terms are taken on record and marked 'X' for identification.

4. In view of the aforesaid circumstances, the revision application can be allowed.

ORDER

(i) Criminal Revision Application No. 383 of 2018 is allowed and disposed of.

(ii) The impugned judgment and order dated 07.04.2012 passed by Metropolitan Magistrate 13th Court, Dadar and confirmed vide judgment and order dated 30.04.2013 passed by Ad-hoc Additional Sessions Judge, Sewree, Mumbai in Criminal Revision Application No. 159 of 2012 are set aside and the revision applicant

is acquitted for the offence under section 138 of N.I. Act.

(iii) Interim Application No. 1875 of 2022 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)