

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

CRIMINAL REVISION APPLICATION NO.587 OF 2016

Vivek Jain Applicant
Versus
State of Maharashtra & Anr. Respondents

.....
WITH
CRIMINAL APPLICATION NO.593 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.587 OF 2016

.....
WITH
CRIMINAL APPLICATION NO.209 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.587 OF 2016

Jayesh Vrajlal Mehta ...Applicant
Versus
Vivek Jain & Anr. ...Respondents.

Mr. Omprakash Dubey, for the Applicant.
Mr. Yogesh Dabke, APP for Respondent No.1-State.
Mr. Subodh Desai, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd SEPTEMBER 2022

PC :

1. The Applicant herein was the sole accused in
C.C.No.4302714/SS/2009 before the Metropolitan Magistrate, 43

Court, Borivali. Vide Judgment and order dated 14/06/2013 the applicant was convicted for commission of offence punishable U/s.138 of the Negotiable Instrument Act, 1881 (for short 'N.I.Act') and was sentenced to suffer S.I. for four months. He was ordered to pay an amount of Rs.1,60,000/- to the complainant Jayesh Mehta who is the Respondent No.2 herein, by way of compensation U/s.357(3) of the Cr.p.c. and in default to suffer further S.I. for 3 months. This Judgment and order was challenged by the applicant herein Vivek Jain before the Court of Sessions vide Criminal Appeal No.52 of 2013. Learned Additional Sessions Judge, Borivali Division, Dindoshi dismissed his appeal confirming the trial court's order. The applicant has challenged both these orders in this Revision application.

2. Today, before this Court, the Respondent No.2 - complainant has filed an affidavit stating that the matter is settled between the parties. The affidavit is taken on record. It is mentioned in the affidavit that the Revision applicant-accused has deposited Rs.55,000/- before the Sessions Court and Rs.75,000/- before the Metropolitan Magistrate's Court. The revision applicant

has handed over a Demand Draft of Rs.1,60,000/- to the Respondent No.2-complainant. The Respondent No.2 has agreed to compound the proceeding U/s.147 of the N.I. Act, 1881. He has given his no objection to the revision applicant-accused for withdrawing an amount of Rs.1,30,000/- deposited by him before the Sessions Court and the Metropolitan Magistrate's Court (Rs.55,000/- before the Sessions Court and Rs.75,000/- before the Metropolitan Magistrate's Court). The Respondent No.2 herein has prayed that the proceedings be permitted to be compounded.

3. Today, both the parties along with their counsel appeared before the court. They are identified by their respective counsel. Considering the settlement arrived at between the parties and the clear averment to that effect in the affidavit filed by the Respondent No.2-complainant, compounding of offence is permitted. Consequently, the Revision Application is allowed and the Applicant is acquitted from the Charges faced by him in the aforesaid case. The applicant-accused is permitted to withdraw the aforementioned amounts which he has deposited in the Sessions Court and in the Magistrate's Court.

4. The Revision Application is disposed of accordingly.
5. With disposal of the Revision Application, both companion applications are also disposed of.

(SARANG V. KOTWAL, J.)