

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

**CRIMINAL REVISION APPLICATION NO. 293 OF 2022
WITH
INTERIM APPLICATION NO. 2372 OF 2022**

M/s. Grogerious Skin Pvt. Limited And Anr. ...Applicants
Versus
M/s. Principal Investments Pvt Ltd., And Anr. ...Respondents

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Mr. Vikram R. Sutaria, Advocate for the Applicants.

Ms. Dipti Desai Advocate for Respondent No.1.

Mr. A. R. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 21st JULY, 2022.

PER COURT:

1. The revision applicant has been convicted for offence punishable under Section 138 of Negotiable Instruments Act vide judgment and order dated 15th March, 2021 passed by the Court of learned Metropolitan Magistrate 7th Court, Dadar, Mumbai in C.C. No.856/SS/2014. The applicant No.2 has been sentenced to suffer simple imprisonment for a period of one year. Both the applicants have been sentenced to pay fine of Rs.8,18,442/-. The judgment of trial Court was challenged by preferring an appeal viz. Criminal Appeal No.146 of 2021 before the Court of Sessions. The said appeal has been dismissed vide judgment and order dated 9th May, 2022.

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2. It is jointly submitted by the counsel representing respective parties that the parties in this proceedings have arrived at amicable settlement. The consent terms executed between both the sides are annexed to this revision application. Learned counsel representing complainant has tendered affidavit-in-reply which confirms that the parties had arrived at the amicable settlement. It is taken on record. The entire amount imposed by way of compensation in this proceeding has been parted to the complainant.

3. Considering the fact that the parties have amicably settled the dispute and executed the consent terms, the judgments of conviction can be set aside.

4. Hence, I pass the following order :

ORDER

i. Criminal Revision Application No.293 of 2022 is allowed;

ii. In view of consent terms executed between the parties, the judgment and order dated 15th March, 2021 passed by learned Metropolitan Magistrate in C.C. No.856/SS/2014 convicting the revision applicants are offence under Section 138 of Negotiable Instruments Act, and the judgment and order dated 9th May, 2022 passed by learned Additional

Sessions Judge, Greater Mumbai in Criminal Appeal No.146 of 2021 dismissing the appeal preferred by the applicants are set aside and the revision applicant is acquitted for offence under Section 138 of Negotiable Instruments Act.

iii. Criminal Revision Application 293 of 2022 and Interim Application No.2372 of 2022 are disposed of accordingly.

(PRAKASH D. NAIK, J.)