

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

CRIMINAL REVISION APPLICATION NO. 465 OF 2017

Archana Snehal Kamble Prop. Of SCF
Management Institute ...Applicant
Versus
Sadguru Advertising Pvt. Ltd.
Through Darasingh Mahipati Patil And Anr ...Respondent

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**WITH
INTERIM APPLICATION NO. 1916 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 465 OF 2017**

Sadguru Advertising Pvt. Ltd.
Through Sanjay Kokane ...Applicant
Versus
Archana Snehal Kamble Prop. Of SCF
Management Institute and Anr. ...Respondents

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Ms. Sapana Krishnappa i/by Mr. Suresh Dubey, Advocate for the Applicant.

Mr. Viral Babar i/by Mr. Amit P. Ghag for applicant in IA. and respondent in Revision application.

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

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th AUGUST, 2022

PC :

1. The revision applicant was prosecuted for offence punishable under Section 138 of the Negotiable Instruments Act.

2. The applicant was convicted for an offence punishable under Section 138 of Negotiable Instruments Act and sentenced to suffer simple imprisonment for three months and to pay fine of Rs.3,000/-. The applicant was directed to pay compensation of Rs.11,00,000/- to the complainant in accordance with section 357(3) of Cr.P.C. The judgment of the trial Court was challenged by applicant/accused before the Sessions Court by preferring the Criminal Appeal No. 395 of 2012. Vide judgment and order dated 22.08.2017 the appeal was dismissed and sentence of the trial Court was confirmed.

3. During the pendency of Criminal Appeal before the Court of Sessions for Greater Bombay, the revision applicant had deposited an amount of Rs.2,20,000/- before the Sessions Court.

4. The impugned judgment of conviction passed by Court below are challenged before this Court by preferring the Criminal Revision Application No.465 of 2017. Vide order dated 06.09.2017, Criminal Application No. 446 of 2017 preferred by revision applicant for suspension of sentence and grant of bail was allowed on condition that the revision applicant shall deposit the amount of Rs. 8,80,000/- within

stipulated time in this Court.

5. Learned advocate for the revision applicant submits that order dated 06.09.2017 has been complied and the amount of Rs. 8,80,000/- has been deposited in the Registry of this Court.

6. Learned advocate representing both the sides jointly submitted that parties have arrived at amicable settlement and they have executed consent terms in that regard. As per consent terms, the amount of Rs.8,80,000/- deposited in this Court and Rs. 2,20,000/- deposited in the Sessions Court is allowed to be withdrawn by original complainant. It is also agreed that the impugned judgment of conviction passed by Court below be set aside and the revision applicant be acquitted for offences punishable under Section 138 of Negotiable Instruments Act. The consent terms are taken on record and marked 'X' for identification.

7. The revision applicant (accused) is present in the Court. She has confirmed that the consent terms are executed between parties.

8. In view of the fact that parties have arrived at amicable settlement and executed consent terms, the impugned judgment of conviction can be set aside and the complainant can be permitted to withdraw the amount

deposited in this Court as well as in the Sessions Court.

ORDER

(i) Criminal Revision Application No. 465 of 2017 is allowed;

(ii) In accordance with consent terms, impugned judgment and order dated 02.06.2012 passed by learned Metropolitan Magistrate 50th Court, Vikhroli, Mumbai in C.C. No. 8147/SS/2010, convicting the revision applicant for offence punishable under Section 138 of Negotiable Instruments Act as well as judgment and order dated 22.08.2017 passed in Criminal Appeal No. 395 of 2012 confirming the judgment of the trial Court are quashed and set aside and revision applicant is acquitted for offences punishable under Sections 138 of the Negotiable Instruments Act.

(iii) Amount of Rs.2,20,000/- deposited in the Sessions Court, Greater Bombay in Criminal Appeal No.395 of 2012 and amount of Rs.8,80,000/- deposited in this Court in the present revision application are allowed to be withdrawn by original complainant with accrued interest, if any.

(iv) The revision applicant shall co-operate with complainant for withdrawal of amount and provide receipt

of deposit of the amount.

(v) Revision Application No. 465 of 2017 and Interim Application No. 1916 of 2022 are disposed off.

(PRAKASH D. NAIK, J.)