

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

CRIMINAL REVISION APPLICATION NO.131 OF 2021

Kumkum Rajesh Adhikari

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

**WITH
INTERIM APPLICATION NO.4398 OF 2022**

Mr. Vikas Shivarkar for Applicant.

Mr. A. R. Patil, APP for Respondent No.1 (State).

Mr. J. D. Khairnar for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATE : DECEMBER 21, 2022

PC.:

1. The revision application arises out of judgment and order tendered by the learned Magistrate convicting and sentencing the applicant for offence under Section 138 of the Negotiable Instruments Act, 1881. The learned Magistrate by judgment and order dated 23rd November 2017, directed the applicant to undergo simple imprisonment for one month and to pay fine of Rs.2,10,000/-. The appeal against the said judgment and order has been dismissed by the learned Sessions Judge by the impugned judgment and order dated 6th March 2021.

2. Aggrieved thereby, the applicant has filed present revision application.

3. During pendency of present revision application, the complainant and the accused have amicably resolved their dispute.

The parties have filed consent terms signed by them stating that the applicant has deposited amount of Rs.10,000/- and remaining amount of Rs.1,00,000/- has been deposited in the District Court which the respondent no.2 shall be entitled to withdraw. The consent terms are taken on record and marked as Exhibit 'X' for identification.

4. In view of the consent terms. Hence, I pass following order:-

(i). The impugned judgment and order passed by the learned Additional Sessions Judge, Pune in Criminal Appeal No.631 of 2017, dated 6th March 2021, confirming judgment and order dated 23rd November 2017 in Summary Criminal Case No.1160 of 2012, passed by learned 4th Joint Judicial Magistrate, First Class, Pimpri, Pune is quashed and set aside.

(ii). The amount of Rs.2,00,000/- deposited before the learned Sessions Court is permitted to be withdrawn by the respondent no.2 without security.

5. Revision Application stands disposed of in the above terms. No costs.

6. In view of disposal of Revision Application, Interim Application No.4398 of 2022 does not survive. Hence, it is also disposed of.

(AMIT BORKAR, J.)