

GRM

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

**CRIMINAL REVISION APPLICATION NO. 202 OF 2021
WITH
CRIMINAL INTERIM APPLICATION NO. 2612 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 202 OF 2021
WITH
CRIMINAL INTERIM APPLICATION NO. 2611 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 202 OF 2021**

Javed M. Khatib ... Applicant

V/s.

Prasad K. Shetty & Anr. ... Respondents

Mr. R. V. Gupta & Mr. Rohit Vaishya, Adv. for the Applicant.

Ms. Induprakash Tripathi a/w Ms. Bhagyashri Gawas i/b Mr. Chandraprakash Kewlaprasad Tripathi, Adv. for Respondent No. 1.

Mr. R. M. Pethe, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 10, 2023

P.C. :

Heard.

2. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and therefore sentenced to suffer simple imprisonment of six months and to pay Rs. 25,00,000/- towards compensation. He has been unsuccessful in appeal against the conviction. He is therefore before this Court in revision.

3. Now the applicant and the original complainant have arrived at a settlement. The terms whereof have been placed on record. The same indicate a sum of Rs. 5,00,000/- have been deposited in the Trial Court. The said amount has already been withdrawn by the respondent/complainant. The applicant further deposited a sum of Rs. 5,00,000/-, pursuant to the direction given by this Court, before the Court of learned Metropolitan Magistrate. The respondent/complainant himself acknowledged before the Court to have received a Pay Order of Rs. 15,00,000/- today itself.

4. In view of the offence having been compounded, the revision application is allowed.

5. The order of conviction and consequential sentence for the offence punishable under Section 138 of NI Act, is hereby set aside. The applicant is hereby acquitted for the offence punishable under Section 138 of NI Act. The amount in total, deposited with the Trial Court and/or Appellate Court, be paid to the respondent/complainant along with the interest accrued thereon immediately.

6. In view of the same, the interim applications stand disposed of accordingly.

7. Parties to act on authenticated copy of this order.

(R. G. AVACHAT, J.)