

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BEFORE THE NATIONAL LOK ADALAT

CRIMINAL REVISION APPLICATION NO. 124 OF 2023
WITH
INTERIM APPLICATION NO. 1732 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 124 OF 2023

Om Prakash Shivprasad Somani

...Applicant

Vs.

Sustainable Agro Commercial Financial
Limited and Anr.

...Respondents

Mr.B.D.Chavan – Advocate for Applicant.

Mr.Mukund Pandya h/f Mr.Yashpal M. Thakur – Advocate for
Respondent No.1.

Mr.Aakash Indurkar – Authorized Representative for Respondent No.1.

CORAM : S. M. MODAK J.
[HEAD OF THE PANEL]
V. V. KATHARE
REGISTRAR (VIGILANCE-II)
MEMBER
S. N. PHAD
DEPUTY REGISTRAR
MEMBER

DATED : 03rd MARCH, 2024

P.C. :-

1. The Applicant – Accused and Representative of Respondent – Complainant both are present.
2. Duly signed '*consent term*' was already filed on record before the Regular Court on 28th February, 2024. They admit the contents of '*consent terms*'. They are also signed by the respective Advocates.
3. The Respondent – Original Complainant admits that it had received the entire amount as per the '*consent terms*'.
4. There is a conviction recorded by the Court of Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai ["Metropolitan Magistrate"] on 5th February, 2019 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 ["NI Act"]. It is confirmed by the Court of Additional Sessions Judge – Greater Mumbai with some modification. For ready reference, the '*consent terms*' are scanned and reproduced herein below :-

COFVAM : S. N. Modak, J. J.
 Dt. 24/09/2023
 Tendered in the Court
 Marked 'X'

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY.

CRIMINAL APPELLATE JURISDICTION

Criminal Revision Application No.124/2023.

Dist. Mumbai.

Mr. Shiv Omprakash Shivprasad Somani.

)...Applicant.

Versus

Sustainable Agro Commercial Finance Ltd.

)....Respondent

Consent Terms

MOST RESPECTFULLY SHEWETH:

We, the Applicant (i.e. Original Accused) & Respondent (i.e. Original Complainant) states and submit as under.

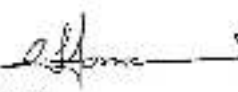
1. That the Respondent had filed Criminal Case No.912/SS/2016 Before 16th Metropolitan Magistrate at Ballard Pier, Mumbai Under Section 138 of N.I.Act for the dishonoured of Cheque No. 800002, Dated: 31/11/2015 for Rs. 6,13,499 Drawn on Bank of Baroda, Amravati.
2. The Applicant had obtained loan from the Respondent against mortgaging his Immovable Agriculture land for the purpose of irrigation.
3. The Respondent had also filed another case against the same Applicant before the Civil & Criminal Court at Amravati.
4. That the Applicant and the Respondent amicably settled their all dispute out of court by way of full and final settlement for the amount of Rs.35,00,000/- (Rs. Thirty Five Lakhs Only).
5. The Applicant has paid a sum of Rs.35,00,000/- by way of full final settlement to the Respondent and the same was accepted by the Respondent against Loan No. 000013000100321 & 000013000415524 and agreed to withdraw all the civil and criminal cases pending against the applicant before court of law in view of settlement.

6. Both the parties to these present hereby confirm and declare that they have signed and executed this consent term out of their own free will, consent and without any pressure or influence of whatsoever nature.
7. That it is agreed between both the parties that the amount of Rs.1,00,000/- (Rs. One Lakh Only) deposited by the applicant before the Hon'ble Session Court under Section 143 of N.I Act shall be returned to the Applicant.
8. In View of amicable settlement the Judgment passed by the 1st Metropolitan Magistrate 16th Court at Ballard Pier, Mumbai in Case No.912/SS/2016 Dated:- 05/02/2019 & In Appeal No.199/2019 of Hon'ble Session Court Dated:- 13/01/2023 may be quashed and set a side & the Applicant may kindly be acquitted for the Offence Punishable under Section 138 of N.I. Act in the above said cases in the interest of justice.

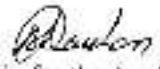
And for this Act of Kindness, the Applicant & Respondent shall ever pray and duty bound.

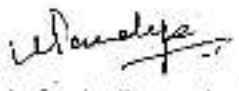
Place:- Mumbai.

Dated:- 28/02/2024.


(Applicant)
(Mr. Shiv Chupraksh Shivprasad Sonani).


(Respondent)
(Authorised Person of Sustainable Agro Commercial Finance Ltd..)


(Adv for the Applicant).
(Adv B.D. Chauhan)


(Adv for the Respondent)
Mukund Pandya
For Ashwini Wadkar

5. As the parties have settled the dispute, the conviction ordered by the Court of Metropolitan Magistrate and confirmed by the Court of Additional Sessions Judge is hereby set aside. The Applicant/accused is acquitted for the offence punishable under Section 138 of NI Act. His bail bond stands cancelled.

6. Revision Application is disposed of accordingly.
7. Court fees be refunded as per the Rules.
8. In view of the above, Interim Application is also disposed of.

[S. N. PHAD]
MEMBER

[V. V. KATHARE]
MEMBER

[S. M. MODAK J.]
HEAD OF THE PANEL