

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

**REVISION APPLICATION NO. 350 OF 2017
ALONGWITH
INTERIM APPLICATION (ST) NO. 22550 OF 2023**

Rakesh Dubey ...Applicant
vs.
Shree Ambika Printers ...Respondent

Mr. Pankaj Dwivedi - Advocate for the Applicant
Mr. Jatin P. Karia (Shah) a/w Ms. Snehankita Munj a/w Ms. Shraddha Kamble - Advocate for the Respondent No. 1.
Mr. H. J. Dedhia - APP for the Respondent - State
Mr. Sadanand M. Dhadke - Legal Officer of Respondent No. 1 present.
Mr. Rakesh Dubey - Applicant in-person present

CORAM : S. M. MODAK, J.

DATE : 17th JANUARY 2024

P. C. :-

1. The Applicant is convicted by the Court of Metropolitan Magistrate, Mazgaon, Mumbai on 04/04/2014. The substantive sentence is Simple Imprisonment for six months and fine of Rs. 9,93,125/-. His appeal was dismissed by the Court of the Additional Sessions Judge on 17/03/2017. This revision is by the Applicant-accused.
2. During pendency of this revision, both the parties have settled the dispute and consent terms have been executed. It is taken on record and marked as "Annexure-X". It is signed by the Applicant as well as Respondent No. 1 and by their

respective Advocates. Both are present in the Court.

3. The Complainant has accepted Rs. 10,00,000/- towards final settlement and he also acknowledged that he has received it. He does not want that the Applicant should undergo the substantive sentence.

4. The Applicant has deposited Rs. 2,48,281/- before the Appellate Court and this amount was directed to be paid to the Complainant. He has not withdrawn that amount. As per the settlement, now the Complainant is not claiming the amount but he is consenting for the withdrawal by the Applicant-accused.

5. As per the judgment in case of **Damodar S. Prabhu Vs. Sayed Babalal H** in Criminal Appeal No. 963 of 2010, dated 03/05/2010 compounding charges @ 15% are to be paid. It comes to Rs. 1,50,000/- as contended by both the sides. There is prayer for granting some relaxation.

6. In view of that following Order is passed:-

ORDER

- a) The Revision application is disposed of in view of the consent terms.
- b) Now the Applicant need not undergo the simple imprisonment for six months.
- c) The above directions will be subject to deposit of the

compounding charges by the Applicant to the tune of Rs. 1,00,000/- to the Maharashtra High Court Legal Services Authority.

- d) An amount of Rs. 2,48,281/- be refunded to the Applicant-accused on showing his identity.

7. Pending Interim application, if any, is disposed of.

[S. M. MODAK, J.]