

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

**CRIMINAL REVISION APPLICATION (ST) NO.10147 OF 2025
WITH
INTERIM APPLICATION NO.1795 OF 2025
IN
CRIMINAL REVISION APPLICATION (ST) NO.10147 OF 2025**

Mr. Jaiprakash R. Jaiswal Applicant
V/s.
Mr. Akif A. Thakur And Anr. Respondents

Mr. Ashif Shaikh, for the Applicant.
Mr. Khalid M. I. Ansari, for the Respondent No.1.
Ms. Sangita D. Shinde, for the Respondent No.2-State.

CORAM : SHYAM C. CHANDAK, J.

**DATED : 23rd MAY, 2025
(VACATION COURT)**

P.C. :-

. Heard Mr. Sahikh, the learned Advocate for the Applicant, Mr. Khalid M. I. Ansari, the learned Advocate for Respondent No.1. and Ms. Shinde, the learned APP for the Respondent No.2-State.

2) By the impugned Judgment and Order dated 28th November, 2017, in C.C. No.7001642/SS/2015, passed by the Court of the learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai, the Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 under Section 255 (2) of the Criminal Procedure Code and sentenced to suffer simple imprisonment for six months and directed to pay a fine of Rs.12,30,000/- out of which Rs.12,20,000/- to be

paid as compensation to the Respondent No.1. The Applicant challenged the said Judgment and Order in Criminal Appeal No.27 of 2018, before the Sessions Court. By the Judgment and Order dated 21st September 2024, the learned Additional Sessions Judge, Gr. Bombay dismissed the said Appeal.

3) Mr. Shaikh and Mr. Ansari submitted the Consent Terms alongwith Affidavit duly signed by the Applicant, Respondent No.1 and their Advocate. Mr. Khalid Ansari, the learned Advocate identifies the Respondent No.1, who is present today in person. The Consent Terms are supported with the Affidavit affirmed by Respondent No.1. The Consent Terms are read to the Respondent No.1, which he confirmed and stated that this matter is settled and compounded in between him and the Applicant as per the Consent Terms. The Consent Terms states that Respondent No.1 has received the agreed settlement amount Rs.4,50,000/- (Rs.4,00,000/- by Demand Draft and Rs.50,000/- by Cash) and he has no objection to set aside the conviction and sentence imposed of the Applicant by the trial Court and confirmed by the Appellate Court. Thus, the matter is settled between the parties. Hence, the Consent Terms are taken on record and marked at Exhibit "X" for identification.

4) In view thereof, the offence under Section 138 of the Negotiable Instrument Act, for which the Applicant has been convicted and sentenced stood compounded.

5) As a result the Criminal Revision Application (ST) No.10147 of 2025 is allowed.

5.1) The impugned Judgment and Order dated 28th November, 2017, in C.C. No.7001642/SS/2015, passed by the Court of the learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai and the impugned Judgment and Order dated 21st September 2024, in Criminal Appeal No.27 of 2018, passed by the learned Additional Sessions Judge, Gr. Bombay thereby confirming the said Judgment and Order dated 28th November 2017, are quashed and set aside.

5.2) The Applicant Mr. Jaiprakash R. Jaiswal is hereby acquitted of the charge of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 in the said C.C. No.7001642/SS/2015.

5.3) The Applicant is in *Taloja* jail. The Applicant shall be released forthwith if not required to be detained in any other crime or criminal case.

5.4) Criminal Revision Application stands disposed of in aforesaid terms.

6) In view of disposal of the Criminal Revision Application the Interim Application No.1795 of 2025 does not survive and it stands disposed of, accordingly.

(SHYAM C. CHANDAK, J.)