

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

REVISION APPLICATION (ST.) NO.520 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019
WITH
INTERIM APPLICATION NO.2 OF 2019
WITH
INTERIM APPLICATION NO.3 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Megha Keluskar h/f Mr.Arjun Kode
for the applicant

Ms.Jyoti S. Agrawal for the respondent
no.2

Mr.J.P.Yagnik, A.P.P. for the State

**CORAM: K.K.TATED, J.
DATED : OCTOBER 30, 2019
VACATION COURT**

P.C.

. Heard.

2 By this Revision Application, applicant original accused is challenging the judgment dated 24.7.2013 passed by learned Metropolitan Magistrate, 60th Court, Kurla, Mumbai in Case No.373/SS/2012 and Judgment dated 30.5.2019 passed by the Addl. Sessions Judge, Mumbai in Criminal Appeal No.257 of 2015 convicting the appellant for offence

under section 138 of the Negotiable Instruments Act.

3 The learned counsel for the respondent no.2 original complainant filed affidavit dated 30.10.2019 stating that matter is settled out of court. They have no objection if Revision is allowed and conviction is set aside and applicant is released on bail. Affidavit is taken on record.

4 The learned counsel for the respondent no.2 submits that respondent no.2 Dattaram Hariram Keni is present in court. His presence is recorded.

5 Hence, by consent of both the parties and considering the affidavit dated 30.10.2019, following order is passed:

a. Delay in filing Revision Application is condoned. Interim Application No.1 of 2019 is accordingly allowed.

b. Impugned order dated 24.7.2013 passed by learned Metropolitan Magistrate, 60th Court, Kurla, Mumbai in Case No.373/SS/2012 and Judgment dated 30.05.2019 passed by learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.257 of 2014 are set aside and Criminal Revision Application is allowed in view of the settlement out of court.

- c. Applicant's conviction is set aside.
- d. Applicant Subhash Shahu Kambale be released with immediate effect.
- e. In view of disposal of Criminal Revision Application, nothing survives in the Interim Application nos.2 of 2019 and 3 of 2019. Same stand disposed of as infructuous.

(K.K.TATED, J.)