

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 577 OF 2002

Savita Prakash Mayekar ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondent

Mr. Farhan Shaikh i/b Satish Kalke for the Applicant.
Ms. Sharmila Kaushik, APP for Respondent/State.
Mr. R. V. Dighe i/b Mr. A. S. Rao for Respondent No.2.

CORAM : M. M. SATHAYE, J.
DATE : 5th MAY, 2026

P.C. :

1. Heard learned Counsel for the parties.
2. At the outset, learned Counsel for the Respondent No.2/complainant submits that written communication sent to Respondent No.2 is not served as per the status shown on the postal website.
3. Learned Counsel for the Applicant invited the Court's attention to copy of the Consent Terms filed between the Revision Applicant and Respondent No.2 complainant before the Consumers' Forum, Thane. The Consent Terms is filed by the parties in Complaint No. 682/1993 filed before the Consumer Court. In the said Consent Terms, it is noted that Respondent No.2 complainant has agreed to pay amount which are due under the agreement under Maharashtra Ownership of Flats Act, 1963 ('MOFA' for short) under which Applicant is convicted.
4. Under the said Consent Terms, Respondent No.2 complainant has also agreed not pursue further the pending Criminal Appeal No. 112

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of 1996 which was pending in the Sessions Court at relevant time, because possession of the flat was being received under the Consent Terms. The parties, therefore, agreed to settle the matter. It was also agreed that on payment being made, the possession shall be handed over. The copy of order dated 21.08.1997 passed by the Consumers' Forum is also annexed where it is recorded that parties were present before the Court and the Consent Terms were taken on record.

5. Learned Counsel for the Applicant states on instructions that as agreed, the Respondent No.2 complainant paid the amount and possession of the flat has been handed over to Respondent No.2 complainant, who has now sold the flat and shifted somewhere else. He submits that the subject matter MOFA agreement was for Flat No.203, 2nd floor of Shammika Apartment at Chikanghar, Kalyan. He seeks time to file necessary affidavit in support of his contention about handing over the possession with supporting documents, if any available.

6. Let the affidavit be filed before 22.06.2026. In the meantime, Advocate for the Respondent No.2 to file affidavit placing on record the status of communication sent and necessary postal remark.

7. Stand over to 29.06.2026 for further consideration.

(M. M. SATHAYE, J.)