

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRL.R.C.M.P.NO.412 OF 2015 AND CRL.R.C.NO.2612 of 2014

-

COMMON ORDER :

Criminal Revision Case No.2612 of 2014 is preferred by the petitioner/accused, challenging the judgment dated 22.12.2014 passed in Criminal Appeal No.130 of 2013 on the file of III Additional District and Sessions Judge, East Godavari District at Kakinada, wherein and where under the appellate Court confirmed the conviction and sentence dated 07.02.2013 passed in C.C.No.56 of 2012 on the file of V Additional Judicial Magistrate of First Class, Kakinada.

Heard the learned counsel for the petitioner and the learned counsel for respondent No.2.

The facts in issue are as under:

The 2nd respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. After recording the sworn statement of the 2nd respondent, the complaint was taken on file as C.C.No.56 of 2012 on the file of the V Additional Judicial Magistrate of First Class, Kakinada. By his judgment dated 07.02.2013, the learned Magistrate convicted the petitioner and sentenced him to suffer simple imprisonment for six months and also to pay a fine of Rs.5,000/-, in default, to suffer simple imprisonment for one month. Challenging the same, the petitioner filed Criminal Appeal No.130 of 2013 on the file of III Additional District and Sessions Judge, East Godavari District at Kakinada. By its judgment dated 22.12.2014, the learned

Sessions Judge confirmed the conviction and sentence. Aggrieved by the same, the petitioner preferred the present revision.

When the matter is taken up for hearing the learned counsel for the petitioner submitted that the parties have settled their disputes and the complainant is not interested in prosecuting the case. He filed CrI.R.C.MP.(S.R) No.4412 of 2015 seeking permission of the Court to compromise the matter.

Both parties are present before the Court and they are identified by Sri V.Sai Kumar, learned counsel for the petitioner and Sri B.Ramesh, learned counsel for respondent No.2.

When examined, the complainant stated that they have settled the matter amicably, as such he is not interested in prosecuting the case under Section 138 of the Act. The affidavit filed in support of the petition also discloses about the settlement between the parties and also payment of Rs.1,25,000/- against the debt.

Having regard to the said circumstances and in view of Section 147 of the Act, the complainant can be permitted to compound the offence with the accused pending revision before this Court.

Accordingly, CrI.R.C.M.P.(S.R.) No.4412 of 2015 is ordered and the Criminal Revision Case is allowed. The conviction and sentence imposed by the trial Court as confirmed by the appellate Court in Criminal Appeal No.130 of 2013 on the file of III Additional District and Sessions Judge, East Godavari District at Kakinada, are hereby set aside. Consequently, the

petitioner/accused is acquitted of the offence punishable under
Section 138 of the Negotiable Instruments Act,
1881.

JUSTICE C. PRAVEEN KUMAR

13.02.2015
pab