

THE HONOURABLE SRI JUSTICE C. PRAVEEN

KUMAR

Criminal Revision Case No.2450 of 2014

and

CrI.R.C.M.P.No.1026 of 2015

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 26.11.2014 passed in CrI.A.No.341 of 2011 on the file of the VII Additional District and Sessions Judge, Gudur, wherein the learned District Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.148 of 2006 on the file of the Judicial Magistrate of First Class, Venkatagiri.

The first respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881(for short, 'the Act'). Vide judgment dated 15.11.2011, the learned Judicial Magistrate of First Class, Venkatagiri, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year and to pay compensation of Rs.1,90,000/-. Challenging the same, the petitioner/accused preferred CrI.A.No.341 of 2011 before the VII Additional District and Sessions

Judge, Gudur. The learned Sessions Judge by his judgment dated 26.11.2014 dismissed the appeal confirming the conviction and sentence passed by the trial Judge. Aggrieved by the same the present revision is filed.

Pending revision both the parties are said to have settled their disputes, which lead to filing of CrI.R.C.M.P.No. 1026 of 2015 seeking permission of the Court to compound the offence under Section 138 read with Section 142 of the Act. The affidavit filed in support of the said M.P. would disclose that both the parties have settled their dispute in the presence of elders and the complainant has also received the cheque amount from the petitioner/accused. Today, both the parties are present before the Court and they were identified by their respective counsel. When examined, the complainant stated that at the instance of the elders, they have settled the matter out of the Court and he has no objection for acquitting the accused in the above criminal revision case.

Section 147 of the Act reads as under;

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence punishable under this Act

shall be compoundable”.

In view of the compromise entered into between the parties and taking into consideration the social status of the parties, permission for compounding the offence is accorded without imposing any penalty.

For the aforesaid reasons, the CrI.R.C.M.P.No.1026 of 2015 is ordered and the Criminal Revision Case is allowed, acquitting the accused for an offence punishable under Section 138 of the Act.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

C. PRAVEEN KUMAR, J

15.04.2015
vnb