

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Crl.R.C.M.P. No. 2011 of 2015

In/and

Criminal Revision Case No.1011 of 2015

Judgment:

The Criminal Revision Case is filed by the petitioner/accused assailing the judgment, dated 19-05-2015, passed in Criminal Appeal No.78 of 2014 by the learned III Additional Metropolitan Sessions Judge, Hyderabad, confirming the conviction and sentence imposed on her by the learned IV Additional Chief Metropolitan Magistrate, Hyderabad, vide judgment dated 10.01.2014 in CC No.667 of 2012 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act').

3. The 1st respondent/*de facto* complainant and his counsel are present. The petitioner/accused and her counsel are also present. Both parties had submitted that they have entered into a compromise and settled the matter out of court. It is further submitted that as the accused has been convicted under the provisions of the Negotiable Instruments Act, as held by the Apex Court in ***Damodar S. Prabhu v. Sayed Babalal H***^[1] and as directed by this Court, the petitioner/accused paid 5% of the cheque amount i.e Rs.10,000/- (Rupees ten thousand only) by way of receipt, dated 09.07.2015 to the credit of the High Court Legal Services Committee, Hyderabad and therefore, both parties pray to permit the parties to compound the case and compromise the matter.

4. In view of the settlement arrived at between the parties no purpose would be served in keeping the proceedings pending. In that

view of the matter, permission is hereby accorded and the compromise is recorded following the decision of the Apex Court in ***Gian Singh v.***

State of Punjab and another^[2].

5. Consequently, the judgment of the appellate Court dated 19.05.2015 in CrI.A.No.78 of 2014 as well as the judgment of the trial Court dated 10.01.2014 in C.C.No.667 of 2012 are set aside and the petitioner/accused is acquitted of the offence for which she was found guilty and convicted. The bail bonds of the petitioner/accused shall stand cancelled. The fine amount, if any paid, shall be refunded to the petitioner/accused.

The CrI.RC.MP.No.2011/2015 and CrI.RC.No.1011/2015 are accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K. JAISWAL, J.

Date: 09.07.2015
Prv

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[\[1\]](#) (2010) 5 SCC 663 + 2010 Law Suit (SC) 406

[\[2\]](#) (2012) 10 SCC 303