

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

Crl.RC.MP.No.3998/2015 in Crl.RC No.230/2007

&

CRIMINAL REVISION CASE No.230 of 2007

ORDER:

This Criminal Revision Case is directed against the judgment in Crl.A.No.81/2001, dated 07.10.2002 on the file of the Sessions Judge, Adilabad, by and under which, the conviction and sentence as imposed by the trial Court was confirmed.

2. By judgment dated 30.07.2001, the learned Judicial Magistrate of First Class, Adilabad, in C.C.No.223/1999, convicted the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to suffer simple imprisonment for one year and to pay a fine of Rs.5,000/- in default, to suffer simple imprisonment for three months, and also awarded compensation of a sum of Rs.1,40,000/- to the complainant payable by the accused under Section 357(1) Cr.P.C. On appeal, the appellate court, disposed of the appeal vide judgment dated 07.10.2002, while confirming the conviction, sentence of imprisonment and award of compensation passed by the trial court, however, setting aside the sentence of imposition of fine.

3. The 2nd respondent/*de facto* complainant and his counsel are present. The petitioner/accused and his 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*** and as directed by this Court, the petitioner/accused paid Rs.5,000/- (Rupees five thousand only) by way of demand draft, bearing No.062323, dated 03.11.2015 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.***

5 . Consequently, the judgment of the appellate Court dated 07.10.2002 in Crl.A.No.81 of 2001 as well as the judgment of the trial Court dated 30.07.2001 in C.C.No.223 of 1999 are set aside and the petitioner/accused is acquitted of the offence for which he 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.

6. The Crl.RC.MP.No.3998/2015 and Crl.RC.No.230/2007 are accordingly allowed.

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

M.S.K.JAISWAL,J

Date: 03.11.2015

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