

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRL.R.C.M.P. No.1505 of 2015
IN/AND
CRIMINAL REVISION CASE No.779 OF 2015

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COMMON ORDER:

This Criminal Revision Case is filed against the judgment, dated 17.02.2012, passed in Crl.A. No.119 of 2010 by the III Additional District and Sessions Judge, Kakinada, wherein the learned Sessions Judge confirmed the conviction and sentence passed on 16.04.2010 in CC No.2243 of 2008 by the V Additional Judicial Magistrate of First Class, Kakinada. Crl.R.C.M.P. No.1505 of 2015 is filed to compromise the case.

The 1st respondent – complainant filed CC No.2243 of 2008 before the V Additional Judicial Magistrate of First Class, Kakinada against the petitioner - accused for the offence under Section 138 of Negotiable Instruments Act (for short 'NI Act'). Learned Magistrate found the accused guilty of the offence under Section 138 of NI Act and accordingly convicted and sentenced him to undergo simple imprisonment for six months. Challenging the same, the accused preferred an appeal in Crl.A. No.119 of 2010 before the III Additional District and Sessions Judge, Kakinada and the learned Sessions Judge dismissed the appeal confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same, the present revision is filed.

Pending the revision case, the 1st respondent – complainant and the petitioner – accused filed Crl.R.C.M.P. No.1505 of 2015 to compound the offence and to record the compromise arrived at between them and to close the above case by setting aside the impugned order. It is stated in the affidavits filed in support of the compromise petition that the matter was settled out of Court and the 1st

respondent received a cheque for the amount involved in the case from the petitioner.

Today both parties are present before this Court and they are identified by their respective counsel. The 1st respondent stated that they have settled the matter out of Court and he received the entire amount from the petitioner and he has no objection for setting aside the impugned order.

Having regard to the circumstances, Crl.R.C.M.P. No.1505 of 2015 is allowed. Consequently, Crl.R.C. No.779 of 2015 is allowed and the judgment, dated 17.02.2012 passed in Crl.A. No.119 of 2010 by the

III Additional District and Sessions Judge, Kakinada, confirming the judgment in CC No.2243 of 2008, dated 16.04.2010 passed by the

V Additional Judicial Magistrate of First Class, Kakinada, is set aside and the petitioner – accused is acquitted of the offence under Section 138 of NI Act.

RAJA ELANGO, J

June 11, 2015.

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