

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRL.R.C.M.P. No.2689 of 2014

IN/AND

CRIMINAL REVISION CASE No.1641 OF 2014

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COMMON ORDER:

This Criminal Revision Case is filed against the order, dated 28.04.2014, passed in Crl.A. No.806 of 2013 by the Metropolitan Sessions Judge, Hyderabad, confirming the conviction passed on 04.09.2013 in CC No.1075 of 2012 by the XIX Additional Chief Metropolitan Magistrate, Hyderabad. Crl.R.C.M.P. No.2689 of 2014 is filed to compound the offences.

The 1st respondent – complainant filed CC No.1075 of 2012 before the XIX Additional Chief Metropolitan Magistrate, Hyderabad against the 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 and to pay a fine of Rs.5,000/-. Challenging the same, the accused preferred an appeal in Crl.A. No.806 of 2013 before the Metropolitan Sessions Judge, Hyderabad 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 filed Crl.R.C.M.P. No.2689 of 2014 to compound the offence and record the compromise arrived at between him and the accused and to close the above case by setting aside the impugned order. It is stated in the affidavit filed in support of the compromise petition that the matter was settled out of Court and the 1st respondent received a cheque for Rs.2,00,000/- 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 Rs.2,00,000/- 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.2689 of 2014 is allowed. Consequently, Crl.R.C. No.1641 of 2014 is allowed and the order, dated 28.04.2014 passed in Crl.A. No.806 of 2013 by the Metropolitan Sessions Judge, Hyderabad confirming the order in CC No.1075 of 2012, dated 28.04.2014 passed by the XIX Additional Chief Metropolitan Magistrate, Hyderabad, is set aside and the petitioner – accused is acquitted of the offence under Section 138 of NI Act.

RAJA ELANGO, J

June 04, 2015.

KTL