

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

Crl.RC.MP.No. 2785 /2015 in Crl.RC No. 484/2007

&

CRIMINAL REVISION CASE No. 484 of 2007

JUDGMENT:

This Criminal Revision Case is directed against the judgment in Crl.A.No.265 of 2006, dated 21.03.2007 on the file of the Metropolitan Sessions Judge, Vijayawada, by and under which, the conviction and sentence as imposed by the trial Court was confirmed.

2. By judgment dated 31.10.2006, the learned I Additional Chief Metropolitan Magistrate, Vijayawada, in C.C.No.487 of 2003, convicted the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to suffer rigorous imprisonment for six (6) months and to pay a fine of Rs.20,000/- in default, to suffer simple imprisonment for one month.

3. The 1st respondent/*de facto* complainant and her 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***^[1], and as directed by this Court, as the petitioner/accused paid 5% of the cheque amount i.e Rs.5,000/- (Rupees five thousand only) by way of receipt, bearing No.426, dated 26.08.2015 to the credit of the High Court Legal Services Committee, Hyderabad, both the parties

pray this Court 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 21.03.2007 in CrI.A.No.265 of 2006 as well as the judgment of the trial Court dated 31.10.2006 in C.C.No.487 of 2003 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. In the result, the CrI.RC.MP.No. 2785 of 2015 and CrI.RC.No. 484 of 2007 are accordingly allowed. Consequently, the pending miscellaneous applications, if any, shall stand closed accordingly.

M.S.K.JAISWAL,J

Date: 26.08.2015

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[\[1\]](#) (2010) 5 SCC 663

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