

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.1204 of 2015

and

Crl.R.C.M.P.No.1205 of 2015

and

Criminal Revision Case No.244 of 2014

COMMON ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 05-02-2014 passed in Crl.A.No.66 of 2012 on the file of the Principal Sessions Judge, Khammam wherein the learned District Judge allowed the appeal by setting aside an order of acquittal passed against the petitioner/accused in C.C.No.30 of 2009 on the file of the I Additional Judicial Magistrate of First Class at Khammam.

The second respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By its judgment dated 28-05-2010, the learned I Additional Judicial Magistrate of First Class, Khammam acquitted the petitioner/accused. Challenging the same, the complainant preferred Crl.A.No.66 of 2012 before the Principal Sessions Judge, Khammam. The learned Sessions Judge by his judgment dated 05-02-2014 allowed the appeal, convicted the accused and sentenced him to under go Rigorous Imprisonment for a period of one year and to pay the cheque amount of Rs.80,000/- (Rupees eighty thousand only) towards compensation to the complainant. Challenging the same, the present revision is filed.

Pending revision, the parties entered into a compromise, which lead

to filing of Crl.R.C.M.Ps.No.1204 and 1205 of 2015 seeking permission of the Court to compound the offence by recording the compromise. Today, the complainant and the accused were present before the Court and they are identified by their respective counsel. When examined, the complainant stated that at the instance of the elders, they have settled the matter out of the Court. He further stated that he has received the amount due to him and has no objection for acquitting the accused in the above criminal revision case.

Section 147 of the Act reads as under;

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence punishable under this Act shall be compoundable”.

The affidavit filed in support of the petition also discloses that at the instance of elders, the matter was settled out of the Court. In view of the compromise entered into between the parties, and taking into consideration the social status of the parties, the provision of law, and permission for compounding the offence is accorded without imposing any penalty.

For the aforesaid reasons, the Crl.R.C.M.P.Nos.1204 and 1205 of 2015 are ordered and the Criminal Revision Case is allowed, acquitting the accused for an offence punishable under Section 138 of the Act.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

C. PRAVEEN KUMAR, J

29-04-2015

NVL