

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRL.R.C.M.P. Nos.4542 & 4541 OF 2015

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CRIMINAL REVISION CASE No:2775 OF 2015

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ORDER:

Aggrieved by the judgment dated 16.10.2015 passed in Criminal Appeal No.73 of 2014 by the learned VIII Additional District & Sessions Judge, Vijayawada, Krishna District, the present revision is preferred.

The petitioner-accused was convicted and sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.2,50,000/- in default to suffer simple imprisonment for four months for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.156 of 2013 vide judgment dated 25.7.2014. Aggrieved by the same, the petitioner filed the above Criminal Appeal. In the appeal, the learned Additional District & Sessions Judge set aside the sentence of imprisonment imposed by the trial Court while confirming the rest of the judgment of the trial Court. When the matter has come up for hearing, both the Counsel filed the above Crl.R.C.M.Ps. stating that the parties entered into compromise and the matter was settled out of Court and therefore, they prayed to grant permission to compound the offence under Section 138 of Negotiable Instruments Act and to set aside the conviction and sentence imposed against the petitioner-accused for the offence under Section 138 of the Negotiable Instruments Act.

Both the parties as well as their Counsel have signed on the joint memorandum of compromise. A perusal of the affidavit filed in support of the petition goes to show that the matter was settled out of Court and therefore, it is requested to set aside the judgments passed in Criminal Appeal No:73 of 2014 and C.C.No.156 of 2013 and to acquit the petitioner.

In view of the amicable settlement of the dispute between the parties and in view of the nature of the proceedings and enabling provisions contemplated under Section 147 of the Negotiable Instruments Act to compound the offences under the Act, the above petitions are ordered and the compromise is recorded.

Accordingly, this CrI.R.C. is allowed setting aside the judgment passed in C.C.No:156 of 2013, dated 25.7.2014 by the I Special Magistrate, Vijayawada, Krishna District, as well as the judgment passed in CrI.A.No:73 of 2014 dated 16.10.2015 by the VIII Additional District & Sessions Judge, Vijayawada, Krishna District, in view of the compromise entered into by both the parties. Consequently, the petitioner-accused is acquitted for the offence under Section 138 of the Negotiable Instruments Act in the above C.C.No.156 of 2013. It is made clear that this compromise shall form part of the record.

JUSTICE RAJA ELANGO

Dated: 23.11.2015

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