

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

Crl.R.C.M.P. No. 3713 of 2015

and

Criminal Revision Case No. 652 of 2013

Judgment:

The Criminal Revision Case is filed by the petitioners/accused assailing the judgment, dated 22.03.2013, passed in Criminal Appeal No. 83 of 2011 by the learned Additional Metropolitan Sessions Judge, Cyberabad, confirming the conviction and sentence imposed on them by the learned XV Metropolitan Magistrate, Cyberabad, at Medchal, vide judgment, dated 13.07.2011, in CC No. 1207 of 2009 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act').

2. Now the petitioners/accused and the first respondent-*de facto* complainant filed Crl.R.C.M.P.No. 3713 of 2015 stating that the first respondent – *de facto* complainant and the revision petitioners/accused have agreed to settle the issue and as per the said settlement the petitioners/accused have paid the entire due amount to the first respondent-*de facto* complainant towards full and final settlement and, in view of that, the first respondent-*de facto* complainant may be permitted to compound the offence and the petitioners/accused may be acquitted of the offence under Section 138 of the NI Act by setting aside the conviction and sentence imposed on them.

3. The petitioners/accused and the first respondent-*de facto* complainant as well as their counsel are present. The parties have stated that they have voluntarily compromised the matter and the accused may be acquitted.

4. In **Damodar S. Prabhu v. Sayed Babalal H**, the Hon'ble Apex Court held that if the application for compounding of the offence is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the

condition that the accused pays 15% of the cheque amount by way of costs.

5. With regard to imposition of costs, it is submitted that with great difficulty the petitioners/accused have mobilized the funds to pay the due amount to the first respondent-*de facto* complainant, therefore, a lenient view in the matter of imposing costs is prayed for.

6. Having regard to the facts and circumstances of the case, I feel that the ends of justice would be met if an amount of Rs.15,000/- (Rupees Fifteen Thousand only) is directed to be paid by way of costs to the High Court Legal Services Committee, Hyderabad, and accordingly, the petitioners/accused have paid Rs.15,000/- (Rupees Fifteen Thousand only) to the High Court Legal Services Committee, Hyderabad, and filed a receipt to that effect today and the same is placed on record.

7. In the circumstances, the first respondent-*de facto* complainant is permitted to compound the offence. Accordingly, the compromise is recorded and CrI.R.C.M.P. No. 3713 of 2015 is allowed compounding the offence against the petitioners/accused.

8. Accordingly, the Criminal Revision Case is disposed of in terms of the compromise and the petitioners/accused are acquitted, under Section 320(8) Cr.P.C., by setting aside the conviction and sentence imposed on them by the Courts below for the offence punishable under Section 138 of the NI Act.

9. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 01.12.2015

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