

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.793 of 2015

and

Crl.R.C.M.P.No.965 of 2015

and

Criminal Revision Case No.576 of 2015

COMMON ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 10-01-2014 passed in Crl.A.No.237 of 2012 on the file of the I Additional District and Sessions Judge, Guntur wherein the learned District Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.257 of 2010 on the file of the I Additional Judicial Magistrate of First Class, Tenali.

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 02-07-2012, the learned I Additional Judicial Magistrate of First Class, Tenali convicted the petitioner/accused and sentenced him to undergo rigorous imprisonment for a period of six months. Challenging the same, the petitioner/accused preferred Crl.A.No.237 of 2012 before the I Additional District and Sessions Judge, Guntur. The learned Sessions Judge by his judgment dated 10-01-2014 dismissed the appeal confirming the conviction and sentence passed by the trial Judge. Aggrieved by the same the present revision is filed.

Along with the revision, the complainant filed Crl.R.C.M.P.No.793 of 2015 and Crl.R.C.M.P.(SR)No. 9753 of 2015 to condone the delay of

(342) days in filing the Revision and also seeking permission of the Court to compound the offence under Section 138 of the Act respectively. On

25-03-2015 the complainant and the accused were present before the Court and they were 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 received the amount due to him and he has no objection to condone the delay in filing the Revision and 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”.

In view of the compromise entered into between the parties and taking into consideration the social status of the parties, permission for compounding the offence is accorded without imposing any penalty.

For the aforesaid reasons, the CrI.R.C.M.P.No.793 of 2015 and CrI.R.C.M.P.(SR) No. 9753 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

25-03-2015

NVL