

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.579 OF 2015

ORDER:

This Criminal Appeal is filed by the appellant/respondent/complainant by invoking the provision under Section 378(4) of the Criminal Procedure Code (for short 'Cr.P.C.'), against the judgment, dated 30.07.2014, passed in CrI.A.No.955 of 2013 & CrI.R.P.No.437 of 2013, by the Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge at Hyderabad, whereunder and whereby the learned Sessions Judge dismissed the CrI.A.No.955 of 2013 and partly allowed the CrI.R.P.No.437 of 2013 by modifying the judgment, dated 30.10.2013, in C.C.Nos.42 & 43 of 2013, filed by the complainant against the accused for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, on the file of the XXIV Special Magistrate, Hyderabad, by reducing the sentence to simple imprisonment of six (6) months instead of one year and enhancing the fine amount from Rs.20,000/- to Rs.20,00,000/- to A-2 and A-1 is sentenced to pay fine of Rs.20,000/-, in default to suffer simple imprisonment for a period of six (6) months.

2. When the matter is taken up for hearing, learned counsel for the appellant submitted that the respondents/accused herein filed the CrI.R.C.No.1589 of 2014 against the judgment, dated 30.07.2014, passed by the learned Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge at Hyderabad, and they filed the CrI.R.C.M.P.No.4033 of 2014 to compound the offence and compromise the matter in view of the settlement arrived at between the complainant and the respondents/accused and this Court allowed the CrI.R.C.No.1589 of 2014 vide orders, dated 08.12.2014, by setting aside the conviction and sentence imposed by the trial Court as confirmed by the appellate Court and acquitting the respondents/accused herein from the above offence in view of the compromise arrived at between the parties and, therefore, this criminal appeal has become infructuous.

3. Recording the said submission, the Criminal Appeal is dismissed as infructuous. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 19th July, 2016

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