

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1427 OF 2006

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/appellant challenging the judgment, dated 14.6.2006, in Criminal Appeal No.18 of 2005 on the file of the Principal Sessions Judge, Kadapa, whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 20.12.2004, in C.C.No.1 of 2002 on the file of the I Additional Judicial First Class Magistrate, Kadapa.

2. Respondent No.1 herein is the complainant and the petitioner herein is the accused. Respondent No.1 filed a private complaint against the petitioner before the I Additional Judicial First Class Magistrate, Kadapa and the same was taken on file against the petitioner for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act, 1881 and the same was numbered as C.C.No.1 of 2002. After due trial, the learned Magistrate found the accused guilty for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.2,00,000/- to the complainant. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the judgment of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Criminal Revision Case.

3. Today, when the matter is posted for hearing, learned counsel for the petitioner informed that the parties entered into a compromise and

settled the issues out of Court. He also produced the agreement entered into between the parties.

4. Learned counsel for respondent No.1 submitted that she is not having any instructions regarding that fact.

5. Considering the facts and circumstances of the case and basing on the concurrent findings of the Courts below, the petitioner was rightly convicted and hence, this Court is not inclined to interfere with the conviction imposed by the Courts below.

6. At this stage, learned counsel for the petitioner submitted that the petitioner is aged 55 years and is suffering from several health problems and hence, he prays to take a lenient view and to set aside the sentence of imprisonment.

7. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, the sentence of imprisonment as well as the sentence of compensation are liable to be set aside.

8. In the result, the conviction imposed against the petitioner in the judgment, dated 14.6.2006, in Criminal Appeal No.18 of 2005 on the file of the Principal Sessions Judge, Kadapa for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act is confirmed. However, the sentence of imprisonment as well as the sentence of compensation imposed by the Courts below for the said offence is set aside. The petitioner is directed to pay a fine of Rs.2,000/- to respondent No.1 on or before 3.9.2016.

9. Accordingly, this Criminal Revision Case is partly allowed.

10. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

3.8.2016

AMD

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Date: 3.8.2016

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