

HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.M.P.No.3210 of 2016

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CRIMINAL REVISION CASE No.418 of 2009

JUDGMENT:

1. The above revision case is filed by the petitioner-accused against the judgment dated 16.3.2009 passed in Crl.A.No.154 of 2006 by the IV Additional District & Sessions Judge, Visakhapatnam.

2. The petitioner-accused was tried for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.500 of 2006 on the file of the Special Judicial First Class Magistrate (Prohibition & Excise), Visakhapatnam. On appreciation of the evidence on record, the learned Magistrate convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.10,000/- in default to suffer simple imprisonment for a period of 15 days. Against the said judgment, the petitioner filed appeal viz., Crl.A.No.154 of 2006 before the IV Additional District & Sessions Judge, Visakhapatnam. The learned Additional District & Sessions Judge dismissed the appeal. Aggrieved by the same, the petitioner filed this revision.

3. On 4.7.2016, this Court referred the matter to the Lok Adalat for settlement. On such reference, the dispute between the parties was settled before the Lok Adalat vide Award dated 27.7.2016. Today, when this matter has come up, the 2nd respondent-complainant and the petitioner, who appeared before this Court, submitted through their respective Counsel that the dispute between them was settled before the Lok Adalat and therefore, the conviction and sentence imposed by the Courts below may be set aside. They also filed the above Crl.M.P., to record the compromise and to allow the revision case. The 2nd respondent-complainant has also filed an affidavit before this Court

along with a joint memo.

4. Considering the facts and circumstances of the case, the compromise is recorded and the above Crl.M.P. is ordered. The conviction and sentence imposed by the learned Special Judicial First Class Magistrate (Prohibition & Excise), Visakhapatnam in C.C.No.500 of 2006 and confirmed by the learned IV Additional District & Sessions Judge, Visakhapatnam in Crl.A.No.154 of 2006 are set aside. Consequently, the petitioner-accused is acquitted for the offence under Section 138 of the Negotiable Instruments Act. The fine amount paid, if any, shall be returned to the petitioner-accused.

5. Accordingly, the above Crl.M.P. is ordered and the Criminal Revision Case is allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

11th August, 2016

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