

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P. No.1537 of 2016

In/and

Criminal Revision Case No.804 of 2016

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 19.11.2015 passed in Crl.A.No.215 of 2012 on the file of the VII Additional District and Sessions Judge, Gudur, wherein the learned District Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.215 of 2012 on the file of the Judicial Magistrate of First Class, Venkatagiri.

The second respondent herein filed a complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Vide judgment dated 13.09.2012, the learned Special Judicial Magistrate of First Class, Venkatagiri, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year and to pay compensation of Rs.2,84,266/-, being double the cheque amount. Challenging the same, the petitioner/accused preferred Crl.A.No.215 of 2012 before the VII Additional District and Sessions Judge, Gudur. By his judgment dated 19.11.2015, the learned Sessions Judge 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. 1537 of 2016 seeking permission of the Court to compound the offence by recording the compromise.

It is said that the parties have settled their disputes and accordingly the accused is said to have issued a cheque for Rs.1,80,000/- to the second respondent. In view of the compromise arrived at between them, Crl.R.C.M.P.No.1537 of 2016 came to be filed.

Today, the accused and the complainant are present before the

Court and they are identified by their respective counsel. When examined, the complainant stated that the accused has paid the amount to the satisfaction of the second respondent and that the complainant Bank is not interested in prosecuting the case further. The affidavit filed in support of the petition also confirms the same.

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 as the offence is compoundable, permission for compromising the case with the petitioner/accused is accorded.

Having regard to the circumstances of the case, the parties are permitted to compound the offence, without imposing any penalty.

For the aforesaid reasons, the CrI.R.C.M.P.No. 1537 of 2016 is ordered and consequently 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

13.04.2016
vnb