

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.M.P.No.4469 of 2015

IN/AND

Crl.R.C.No.2927 OF 2015

COMMON ORDER:

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This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 by the petitioner/appellant/accused seeking to set aside the judgment, dated 23.9.2013, in Criminal Appeal No.266 of 2011 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad arising out of the judgment, dated 2.6.2011, in C.C.No.515 of 2009 on the file of the XV Additional Judge – cum – XIX Additional Chief Metropolitan Magistrate, Hyderabad, as the matter was vehemently settled between the parties out of the Court by a Memorandum of Understanding, dated 2.7.2015, and acquit the revision petitioner.

2. Heard and perused the material on record.

3. The offence alleged against the petitioner is punishable under Section 138 of the Negotiable Instruments Act, 1981. *Vide* judgment in C.C.No.515 of 2009, he was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for a period of three months.

Aggrieved thereby, he preferred the aforementioned appeal and the same was dismissed. Challenging the same, the present Revision Case is filed.

4. The *de facto* complainant filed Crl.R.C.M.P.No.4469 of 2015 to permit him to compound the offence and to compromise the matter by recording the compromise entered into between himself and the accused as per the Memorandum of Understanding, dated 2.7.2015. He also filed a joint memo for compromising the matter.

5. Both parties are present and they are identified by their respective counsel. In the light of the facts and circumstances involved in the present case and particularly, in view of the settlement arrived at in the present case and the dictum laid in *Gian Singh Vs. State of Punjab and another*^[1], which is squarely applicable to the facts of the case on hand, this Court is of the view that as the parties to the dispute settled the issues amicably, it is a fit case wherein the conviction and sentence imposed by the trial Court on the petitioner/accused can be set aside.

6. In the above circumstances and in view of the compromise arrived at between the parties, CrI.R.C.M.P.No.4469 of 2015 is ordered and the Criminal Revision Case is allowed setting aside the judgment, dated 23.9.2013, in Criminal Appeal No.266 of 2011 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad and the judgment, dated 2.6.2011, in C.C.No.515 of 2009 on the file of the XV Additional Judge – cum – XIX Additional Chief Metropolitan Magistrate, Hyderabad. Consequently, the petitioner/accused is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act. The fine amount, if any, paid shall be refunded to him. Bail bonds shall stand cancelled and the sureties are discharged.

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

JUSTICE RAJA ELANGO

21.6.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 21.6.2016

AMD

[\[1\]](#) (2012) 10 SCC 303