

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

Crl.R.C.M.P.No.3645 of 2016

and

Criminal Revision Case No.2395 of 2016

COMMON ORDER:

The second respondent/complainant herein filed a private complaint against the petitioner/accused for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act, 1881'). Vide judgment dated 20.05.2014 in C.C.No.213 of 2013 (old C.C.No.1657 of 2012) on the file of the XI Special Magistrate, Hyderabad, the learned Magistrate convicted the petitioner/accused of an offence punishable under Section 138 of the Act, 1881 and sentenced him to undergo rigorous imprisonment for a period of six months and to pay compensation of Rs.8,00,000/-. Challenging the same, the petitioner/accused preferred Criminal Appeal No.569 of 2014 on the file of the Special Judge for trial of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-VI Additional Metropolitan Sessions Judge, Secunderabad. The learned Sessions Judge, vide the judgment dated 30.06.2016, dismissed the appeal confirming the conviction and sentenced recorded by the trial Court. Aggrieved by the same the present revision is filed under Sections 397 and 401 Cr.P.C.

2. Along with the revision, Criminal Miscellaneous Petition No.3645 of 2016 came to be filed along with the affidavits of both the parties seeking permission of the Court to compound the offence under Section 138 of the Act, 1881. Both the parties are present in the court and they are identified by their respective counsel. They produced their respective Aadhar cards in proof of her identity. On

examination, the second respondent/ complainant stated that he has settled the matter amicably with the accused at the instance of elders, and in view of the settlement, he has no objection for acquitting the petitioner/accused.

3. Section 147 of the Act, 1881 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 taking into consideration the social status of the parties, permission for compounding the offence is accorded without imposing any penalty.

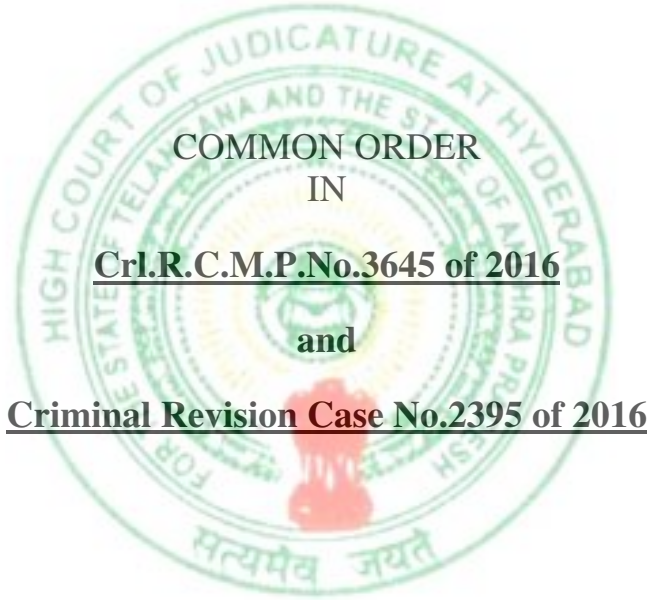
4. For the aforesaid reasons, CrI.R.C. M.P. No.3645 of 2016 is ordered and consequently, the Criminal Revision Case is allowed, acquitting the accused of the offence punishable under Section 138 of the Act, 1881.

5. Miscellaneous petitions, if any, pending in this revision shall stand closed.

(C PRAVEEN KUMAR, J.)

21.09.2016
DRK

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