

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1715 of 2008

ORDER:

This Criminal Revision Case is filed by the petitioner/accused under Sections 397 & 401 of Cr.P.C. against the judgment, dated 26.08.2008, passed in Crl.A.No.272 of 2007 by the IV Additional Metropolitan Sessions Judge, Hyderabad, wherein the learned Sessions Judge confirmed the order of conviction and sentence passed by the XI Additional Chief Metropolitan Magistrate, Secunderabad, in C.C.No.1127 of 2003 vide judgment, dated 20.07.2007.

The 2nd respondent/complainant filed C.C.No.1127 of 2003 before the XI Additional Chief Metropolitan Magistrate, Secunderabad, against the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act (for short 'NI Act'). Learned Magistrate found the accused guilty of the said offence and accordingly convicted and sentenced him to undergo Simple Imprisonment for a period of one (1) year and to pay a fine of Rs.5,000/-, in default to suffer Simple Imprisonment for a period of three (3) months. Challenging the same, the accused preferred an appeal in Crl.A.No.272 of 2007 before the IV Additional Metropolitan Sessions Judge, Hyderabad, and the learned Sessions Judge by judgment, dated 26.08.2008, dismissed the appeal by confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same, the present revision is filed.

When the matter has come up on 30.06.2016, learned counsel for both the parties requested the Court to refer the matter to the Mediation Centre for reconciliation. Accordingly, this Court referred the matter to the Mediation Centre for reconciliation.

On 26.07.2016, the Deputy Director of the Mediation and Arbitration Centre, Hyderabad, has submitted the Mediator's Report along with the Settlement Agreement and the original case record in Crl.R.C.No.1715 of 2008, wherein the terms of Settlement Agreement

are as follows:

“1. The Complainant/Respondent No.2 accepted to the proposal made by the Petitioner/Accused to pay Rs.75000/- (Rupees Seventy five thousand only) towards full and final settlement.

2. It is agreed between the parties to pay the said amount of Rs.75000/- (Rupees Seventy five thousand only) by way of Demand Draft.

3. Accordingly the Petitioner/Accused produced a Demand Draft for an amount of Rs.75000/- (Rupees Seventy five thousand only) drawn on INDIAN BANK, Secunderabad Branch, dated 17.06.2016 bearing No.349273 in favour of Archana Computers (Respondent No.2/Complainant).

4. It is agreed by the Respondent No.2/Complainant to receive the said Demand Draft towards full and final settlement and to relinquish all Civil and Criminal cases/actions if any, pertaining to this case related transaction, in favour of the Complainant.

5. It is also agreed that the said Demand Draft, details of which are as mentioned in point no.3, is received towards full and final settlement in this case and also towards full and final settlement in Crl.R.C.No.1714/2008 filed against the Judgment dated 20.07.2007 on the file of XI Addl., CMM., Secunderabad in C.C.No.1126/2003 between the same parties.

6. In view of this Settlement Agreement it is agreeable to the Complainant to pass a Judgment of Acquittal in favour of the Petitioner/Accused.”

In view of the above terms of Settlement Agreement, dated 20.07.2016, arrived at by both the parties, the Criminal Revision Case is allowed and the judgment, dated 26.08.2008, passed in Crl.A.No.272 of 2007 by the IV Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.1127 of 2003, dated 20.07.2007, passed by the XI Additional Chief Metropolitan Magistrate, Secunderabad, is set aside and the petitioner/accused is acquitted of the offence under Section 138 of NI Act. Fine amount, if any, paid by the petitioner/accused is directed to be refunded to him.

Miscellaneous petitions, if any, pending in the criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 27th July, 2016

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