

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.944 of 2016

and

Criminal Revision Case No.682 of 2016

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 24.08.2015 passed in Criminal Appeal No.677 of 2014 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, wherein the learned Sessions Judge confirmed the conviction and sentence imposed against the petitioner/ accused in C.C.No.373 of 2012 on the file of the XIV Special Magistrate, Hyderabad.

The second respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Vide judgment dated 24.06.2014 the learned XIV Special Magistrate, Hyderabad, convicted the petitioner/accused and sentenced her to undergo rigorous imprisonment for a period of six months and also pay a fine of Rs.10,000/- in default S.I. for six months. Challenging the same, the petitioner/accused preferred Crl.A.No.677 of 2014 before the III Additional Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge by his judgment dated 24.08.2015 dismissed the appeal confirming the judgment of the trial Court. Aggrieved by the same the present revision is filed.

Along with the revision, the complainant filed Crl.R.C.M.P.No.944 of 2016 seeking permission of the Court to

compound the offence under Section 138 of the Act. Today the complainant and accused are present and they are identified by their respective counsel Ms. Gutha Karuna and Sri Pavuluri Sreenivasulu. The affidavit of the complainant came to be filed stating that there was a compromise and pursuant to which she is willing to withdraw the complaint and the criminal proceedings which are pending against the accused. A joint memo to that effect, signed by both the parties, is also filed. When examined, the complainant stated that at the instance of the elders, they have settled the matter out of the Court and she has no objection for acquittal of the accused in the above criminal revision case.

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 arrived at between the parties and taking into consideration the circumstances under which the present M.P. has been filed, permission is accorded for compounding the offence.

Hence, CrI.R.C.M.P.No.944 of 2016 is ordered and consequently the Criminal Revision Case No.682 of 2016 is allowed, setting aside the judgments dated 24.06.2014 and 24.08.2015 passed in C.C.No.373 of 2012 and CrI.A.No.677 of 2014 respectively, and the petitioner/accused is acquitted for the offence punishable under Section 138 of the Negotiable Instrument Act. Miscellaneous petitions, if any, pending in this

revision shall stand closed.

18.02.2016
gkv

C. PRAVEEN KUMAR, J