

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.1265 of 2016

In/and

Criminal Revision Case No.1126 of 2015

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 22.06.2015 passed in Crl.A.No.930 of 2014 on the file of the Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad, wherein the learned Sessions Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.527 of 2013 on the file of the V Additional Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board, 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 26.08.2014, the learned V Additional Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board, Hyderabad, convicted the petitioner/accused and sentenced her to undergo simple imprisonment for a period of one year and also pay a fine of Rs.20,000/- in default simple imprisonment for four months. Challenging the same, the petitioner/accused preferred Crl.A.No.930 of 2014 before the Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge by his judgment dated 22.06.2015 dismissed the appeal confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same the present revision is filed.

During pendency of the revision, the petitioner filed Crl.R.C.M.P.No.1265 of 2016 seeking permission of the Court to compound the offence under Section 138 of the Act. Today the complainant and accused are present before the Court and they are identified by their counsel ie. Sri Yanamandra Nagaraju and Smt. Pendiya Sumlatha (I.D.No.16671) respectively. The affidavit filed along with the petition also indicates the same. 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, he has settled the matter out of the Court; he has received the money from the accused, and 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.1265 of 2016 is ordered and consequently the Criminal Revision Case No.1126 of 2015 is allowed, setting aside the judgments dated 26.08.2014 and 22.06.2015 passed in C.C.No.527 of 2013 and CrI.A.No.930 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.

C. PRAVEEN KUMAR, J

01.04.2016
gkv