

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

CrI.R.C.M.P.No.3297 of 2016

and

Criminal Revision Case No.3009 of 2015

ORDER:

1) The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 23.11.2015 passed in CrI.A.No.576 of 2012 on the file of the Special Judge for Trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, wherein the learned Sessions Judge while reversing the judgment of the trial Court in C.C.No.339 of 2011 on the file of the XI Special Magistrate, Secunderabad, convicted the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to suffer simple imprisonment for three months and to pay fine of Rs.5,000/- in default to suffer simple imprisonment for 15 days.

2) 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 24.05.2012 the learned XI Special Magistrate, Secunderabad acquitted the petitioner. Challenging the same, the complainant preferred CrI.A.No.576 of 2012 before the Court of Special Judge for Trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad. The learned Sessions Judge by his judgment dated 23.11.2015 allowed the appeal and

convicted the petitioner/ accused for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to suffer simple imprisonment for three months and to pay fine of Rs.5,000/- in default to suffer simple imprisonment for 15 days. Aggrieved by the same the present revision is filed.

3) Pending revision, the petitioner filed CrI.R.C.M.P.No.3297 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. When examined, the complainant stated that at the instance of the elders, they have settled the matter out of the Court and he has no objection for acquittal of the accused in the above criminal revision case. The affidavit of the complainant filed along with the petition also affirms the same. A memo of compromise to that effect, signed by both the parties, is also filed.

4) 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”.

5) In view of the compromise arrived at between the parties and taking into consideration Section 147 of the Negotiable Instruments Act and the circumstances under which the present M.P. has been filed, permission for compounding the offence is accorded.

6) Hence, CrI.R.C.M.P.No.3297 of 2016 is ordered and consequently the Criminal Revision Case is allowed, setting aside the judgment dated 23.11.2015 passed in CrI.A.No.576 of 2012, and consequently 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

26.09.2016
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