

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1288 OF 2008

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), is directed against the judgment, dated 21.07.2008, in CrI.A.No.472 of 2007, on the file of the I Additional Metropolitan Sessions Judge, Hyderabad, whereunder and whereby the conviction and sentence of the petitioner/accused to undergo Rigorous Imprisonment for a period of two (2) years and to pay a fine of Rs.5,000/-, in default to suffer Simple Imprisonment for a period of three (3) months for the offence punishable under Section 138 of the Negotiable Instruments Act recorded in judgment, dated 02.11.2007, in C.C.No.689 of 2003, by the VII Additional Chief Metropolitan Magistrate, Hyderabad, was confirmed.

2. Heard both sides and perused the material available on record.

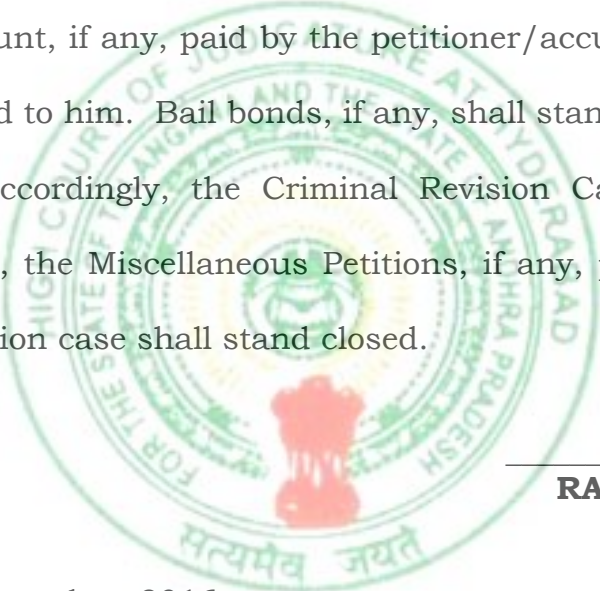
3. Both the parties are present in person and they are identified by their respective counsel.

4. Both the petitioner/accused and the 2nd respondent/complainant have filed a Joint Affidavit before this Court praying to set aside the conviction against the petitioner/accused in view of the compromise arrived between them. It is further stated in the Joint Affidavit that both the parties have settled the matter amicably out of Court at the intervention of well wishers and family members and the parties have agreed to compound the offence and the petitioner/accused has paid an amount of Rs.3,00,000/- (Rupees three lakhs only) to

the 2nd respondent/complainant by way of cash towards full and final settlement.

5. Having regard to the compromise entered between the two parties, the Criminal Revision Case is allowed and the judgment, dated 21.07.2008, passed in Crl.A.No.472 of 2007, by the I Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.689 of 2003, dated 02.11.2007, passed by the VII Additional Chief Metropolitan Magistrate, Hyderabad, is set aside and the petitioner/accused is acquitted of the offence under Section 138 of the Negotiable Instruments Act. The fine amount, if any, paid by the petitioner/accused is directed to be refunded to him. Bail bonds, if any, shall stand cancelled.

6. Accordingly, the Criminal Revision Case is allowed. Consequently, the Miscellaneous Petitions, if any, pending in this criminal revision case shall stand closed.



RAJA ELANGO, J

Date: 27th September, 2016

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