THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.RC.MP.No.585/2016
And Crl.RC No.2306/2010

ORDER:

This Criminal Revision Case is directed against the judgment in Crl.A.No.148/2010, dated 07.12.2010 on the file of the IV Additional Metropolitan Sessions Judge, Hyderabad by and under which, the conviction and sentence as imposed by the trial Court was confirmed.

2. By judgment dated 28.4.2010 in C.C.No.461 of 2008 the learned XVIII Additional Chief Metropolitan Magistrate, Hyderabad, convicted the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to suffer simple imprisonment for one year and to pay a fine of Rs.16,00,000/- as compensation, in default, to suffer simple imprisonment for one year. On appeal, the appellate court, disposed of the appeal vide judgment dated 07.12.2010, confirming the judgment passed by the trial court.

3. The 2nd respondent/*de facto* complainant and her counsel are present. The petitioner/accused and his counsel are also present. Both parties had submitted that they have entered into a compromise and settled the matter out of court. It is further submitted that as the accused has been convicted under the provisions of the Negotiable Instruments Act, as held by the Apex Court in ***Damodar S. Prabhu v. Sayed Babalal H***[1] and as directed by this Court, the petitioner/accused paid Rs.50,000/- (Rupees fifty thousand only) by way of demand draft, bearing No.063580 and 063581 dated 8.2.2010 to the credit of the High Court Legal Services Committee, Hyderabad and therefore, both parties pray to permit the

parties to compound the case and compromise the matter.

4. In view of the settlement arrived at between the parties no purpose would be served in keeping the proceedings pending. In that view of the matter, permission is hereby accorded and the compromise is recorded following the decision of the Apex Court in ***Gian Singh v. State of Punjab and another***[2].

5. Consequently, the judgment of the appellate Court dated 07.12.2010 in Crl.A.No.148 of 2010 as well as the judgment of the trial Court dated 28.4.2010 in C.C.No.461 of 2008 are set aside and the petitioner/accused is acquitted of the offence for which he was found guilty and convicted. The bail bonds of the petitioner/accused shall stand cancelled. The fine amount, if any paid, shall be refunded to the petitioner/accused.

6. The Crl.RC.MP.No.585 of 2016 and Crl.RC.No.2306/2010 are accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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M.S.K.JAISWAL,J

Date: 8.2.2016
Dsr/kk

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.RC.MP.No.585/2016
in Crl.RC No.2306/2010

dated : 8.2.2016

[1] (2010) 5 SCC 663 + 2010 Law Suit (SC) 406

[2] (2012) 10 SCC 303