

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

CrI.P.M.P. Nos. 3862 and 3963 of 2016

IN/AND

Criminal Revision Case No.2014 of 2016

COMMON ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 18.07.2016 passed in CrI.A.No.258 of 2015 on the file of the XI Additional Sessions Judge, Piler, Chittoor District, which has reversed the acquittal judgment dated 29.07.2015 made in STC No.38 of 2013 (old No.11 of 2012) on the file of Additional Judicial Magistrate of I Class, Piler, Chittoor District.

The first respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881(for short, 'the Act'). Vide judgment dated 29.07.2015, the learned Additional Judicial Magistrate of First Class, Piler, acquitted the petitioner/ accused and cancelled the bail bonds after six months from the date of judgment. Challenging the same, the first respondent herein preferred CrI.A.No.258 of 2015 before the XI Additional Sessions Judge, Piler, Chittoor

District. The learned Sessions Judge by his judgment dated 18.07.2016 allowed the appeal reversing the judgment of acquittal passed by the trial Judge. Aggrieved by the same the present revision is filed by the accused.

Pending revision both the parties are said to have settled their disputes, which lead to filing of CrI.R.C.M.P.No. 3862 of 2016 seeking permission of the Court to compound the offence under Section 138 read with Section 142 of the Act. CrI.P.M.P.No.3863 of 2016 is also filed seeking to record the compromise vide joint Memo dated 29.09.2016. The affidavit filed in support of CrI.P.M.P.No.3863 of 2016 would disclose that both the parties have settled their dispute in the presence of elders and the complainant has also received the cheque amount from the petitioner/ accused. Today, both the parties are present before the Court and they were identified by their respective counsel. When examined, the complainant stated that at the instance of the elders, she has settled the matter out of the Court and she has no objection for acquitting 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 entered into between the parties and taking into consideration the social status of the parties, permission for compounding the offence is accorded without imposing any penalty.

For the aforesaid reasons, CrI.R.C.M.P.Nos.3862 and 3863 of 2016 are ordered and the Criminal Revision Case is allowed, acquitting the accused for an offence punishable under Section 138 of the Act.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

C. PRAVEEN KUMAR, J

29.09.2016  
vnb