

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P.No.1350 of 2016

In/and

Criminal Revision Case No.936 of 2016

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 17.12.2015 passed in Crl.A.No.10 of 2015 on the file of the Principal Sessions Judge, Kurnool, wherein the learned Sessions Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.1040 of 2013 on the file of the Judicial Magistrate of First Class, Kurnool.

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 08.01.2015 the learned Judicial Magistrate of First Class, Kurnool, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of two years. Challenging the same, the petitioner/accused preferred Crl.A.No.10 of 2015 before the Principal Sessions Judge, Kurnool. The learned Sessions Judge vide judgment dated 17.12.2015 dismissed the appeal confirming the judgment of the trial Court. Aggrieved by the same the present revision is filed.

Pending the revision, the parties have compromised the matter which lead to filing of Crl.R.C.M.P.No.1350 of 2016 seeking permission of the Court to compound the offence.

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.

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 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.

Hence, Crl.R.C.M.P.No.1350 of 2016 is ordered and consequently the Criminal Revision Case is allowed, setting aside the judgments dated 08.01.2015 and 17.12.2015 passed in C.C.No.1040 of 2013 and Crl.A.No.10 of 2015 respectively, 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

29.07.2016
gkv