

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.R.C.M.P. No.1788 of 2016

AND

CRIMINAL REVISION CASE No.971 of 2016

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. questioning the judgment dated 01.04.2016 passed in Crl.A.No.154 of 2015 on the file of the XIV Additional Sessions Judge, Vijayawada, wherein the learned Sessions Judge confirmed the conviction and sentence imposed against the petitioner/accused in C.C.No.283 of 2014 (Old C.C.No.557 of 2013 on the file of the IV Additional Chief Metropolitan Magistrate, Vijayawada) on the file of the I Special Magistrate, Vijayawada.

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. By judgment dated 10.07.2015, the learned I Special Magistrate, Vijayawada, convicted the petitioner/accused and sentenced him to undergo simple imprisonment for a period of one year and to pay compensation of Rs.6,00,000/-, in default to suffer further simple imprisonment for one year. Challenging the same, the petitioner/accused preferred Crl.A.No.154 of 2015 before the XIV Additional Sessions Judge, Vijayawada. The learned Sessions Judge by his judgment dated 01.04.2016 dismissed the appeal confirming the conviction and sentence passed by the trial Judge. Aggrieved by the same the present revision is filed.

3. Along with the revision, the complainant filed Crl.R.C.M.P.No. 1788 of 2016 seeking permission of the Court to compound the offence under Section 147 of the Act. The complainant and the accused are present before the Court 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 acquitting the accused in the above criminal revision case. The affidavit filed in support of this petition also affirms the same.

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”.

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.

5. For the aforesaid reasons, the Crl.R.C.M.P.No.1788 of 2016 is ordered and consequently 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.

Date: 29.04.2016
INL

JUSTICE C. PRAVEEN KUMAR