

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.M.P.No.1410 of 2016

IN/AND

Crl.R.C.No.1663 OF 2014

COMMON ORDER:

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This Criminal Revision Case is filed under Section 397 read with 401 of the Code of Criminal Procedure, 1973 by the petitioner/appellant/accused seeking to set aside the judgment, dated 5.6.2014, in Criminal Appeal No.685 of 2012 on the file of the Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar arising out of the judgment, dated 26.11.2012, in C.C.No.109 of 2012 on the file of the IV Special Magistrate, Kukatpally at Miyapur, Ranga Reddy District.

2. Heard and perused the material on record.

3. The offence alleged against the petitioner is punishable under Section 138 read with 142 of the Negotiable Instruments Act, 1981. *Vide* judgment in C.C.No.109 of 2012, he was sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.1,60,000/- under Section 357 Cr.P.C., together with interest at the rate of 9% per annum from 12.10.2010 till the date of that judgment. Aggrieved thereby, he preferred the aforementioned appeal and the same was partly allowed setting aside the granting of interest at 9% per annum on Rs.1,60,000/- from 12.10.2010 till the date of judgment of the lower Court and confirming the rest of the sentence of imprisonment for six months and compensation of Rs.1,60,000/-. Challenging the same, the present Revision Case is filed by the appellant.

4. The *de facto* complainant filed Crl.R.C.M.P.No.1410 of 2016 to permit her to compromise the matter by recording the compromise entered into between herself and the accused and withdraw the

complaint in C.C.No.109 of 2012 on the file of the IV Special Magistrate, Kukatpally at Miyapur, Ranga Reddy District and acquit the accused.

5. Both parties are present and they are identified by their respective counsel. In the light of the facts and circumstances involved in the present case and particularly, in view of the settlement arrived at in the present case and the dictum laid in *Gian Singh Vs. State of Punjab and another*^[1], which is squarely applicable to the facts of the case on hand, this Court is of the view that as the parties to the dispute settled the issues amicably, it is a fit case wherein the conviction and sentence imposed by the trial Court on the accused can be set aside.

6. In the above circumstances and in view of the compromise arrived at between the parties, CrI.R.C.M.P.No.1410 of 2016 is ordered and the Criminal Revision Case is allowed setting aside the judgment, dated 26.11.2012, in C.C.No.109 of 2012 on the file of the IV Special Magistrate, Kukatpally at Miyapur, Ranga Reddy District, which was partly allowed in the judgment, dated 5.6.2014, in Criminal Appeal No.685 of 2012 on the file of the Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar. Consequently, the accused is acquitted for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act. The compensation amount, if any, paid shall be refunded to him. Bail bonds shall stand cancelled and the sureties are discharged.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

25.7.2016

AMD

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[\[1\]](#) (2012) 10 SCC 303