

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

**CRL.R.C.No.610 of 2012
AND
CRL.R.C.M.P.No.402 of 2016**

JUDGMENT:

This Criminal Revision Case is directed against the judgment dated 11.04.2012 passed in Crl.A.No.287 of 2011, whereby the learned Additional District and Sessions Judge, West Godavari District, Kovvur, while dismissing the said appeal, confirmed the conviction and sentence of simple imprisonment for a period of six months for the offence under Section 138 of the Negotiable Instruments Act imposed against the revision petitioner-accused by the learned I-Additional Junior Civil Judge, Kovvur, in C.C.No.151 of 2010 dated 11.10.2011.

When this matter is taken up for hearing, it is brought to the notice of this Court by the learned Counsel for the revision petitioner-accused as well as the learned Counsel for the 2nd respondent-complainant that the parties have settled the matter out of Court at the instance of elders and to that effect they filed a joint memorandum of compromise. The said compromise memo, which is signed by the parties and their Counsel, is accompanied by a petition i.e., Crl.R.C.M.P.No.402 of 2016.

Today, the 2nd respondent-complainant, who was examined as P.W.1, and the revision petitioner-accused along with their Counsel are present before this Court.

This Court when examined the 2nd respondent-complainant, he stated that the matter has been settled amicably and the revision petitioner-accused has paid cheque amount of Rs.75,000/- to him towards full and final settlement of the claim and that he is no longer interested in pursuing the case and, therefore, the offence charged against the revision petitioner-accused may be compounded. Further, the revision petitioner-accused has also paid Rs.2,000/- by way of demand draft bearing No.063423 dated 29.01.2016 towards costs, as per the decision of the apex Court in *Damodar S. Prabhu V. Sayed Babalal H*^[1] and also as directed by this Court, in favour of the Secretary, High Court Legal Services Committee, Hyderabad.

After hearing the learned Counsel for both sides as well as both the parties, this Court is satisfied that the parties have settled the matter amicably.

In the light of the compromise arrived at between the parties, the joint compromise memo filed by both the parties is recorded and CrI.R.C.MP.No.402 of 2016 is ordered and the offence punishable under Section 138 of the Negotiable Instruments Act is compounded.

The Criminal Revision Case is accordingly allowed and the conviction and sentence passed against the revision petitioner-accused by the trial Court for the offence under Section 138 of the Negotiable Instruments

Act as confirmed by the appellate Court, are hereby set aside and the revision petitioner-accused is acquitted of the said offence.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

29-01-2016

Gsn

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