

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.A.M.P. No.494 OF 2017
IN/AND
CRIMINAL APPEAL No.303 OF 2015

JUDGMENT:

Crl.A.M.P. No.494 of 2017 is filed under Section 147 of the Negotiable Instrument Act, 1881 (for short 'N.I. Act') seeking permission of this Court to compound the offence punishable under Section 138 N.I. Act in Crl.A.No.303 of 2015, which was filed against the conviction and sentence passed in Crl.A.No.240 of 2011 dated 14.11.2010 by the III Additional Sessions Judge (FTC), Nellore, spsr Nellore District, setting aside the acquittal of the accused in C.C. No.525 of 2007 dated 07.01.2011 passed by the II Additional Magistrate of First Class, Nellore, SPSR Nellore District.

Both the petitioners filed joint memo before this court.

Sri M.Bhaskar Reddy, learned counsel appearing for the appellant/ accused, and Sri Sai Gangadhar Chamarthi, learned counsel appearing for the first respondent/ complainant identified their respective parties.

On enquiry, the parties stated that out of free volition, they compromised the matter.

However, when the matter is sought to be compromised, the petitioner has to comply the direction issued by the Apex Court in **DAMODAR S. PRABHU v. SAYED BABALAL H.**¹, wherein it was held that if the application for compounding the offence is made before the Sessions Court or the High Court in revision or appeal, such application may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

¹ (2010) 5 SCC 663

In view of the guidelines laid down by the Apex Court, the appellant has to deposit 15% of the cheque amount to the credit of the High Court Legal Services Committee and file proof thereof. On such payment, the petitioners may be permitted to compound the offence.

In pursuance of the directions issued by this court, the appellant deposited 15% of the cheque amount to the credit of High Court Legal Services Committee vide receipt No.762 dated 10.03.2017.

Therefore, in terms of the joint memo, the petitioners are permitted to compound the offence, accordingly the CrI.A.M.P. No.494 of 2017 and CrI.A.No.303 of 2015 are allowed and the appellant is acquitted for the offence punishable under Section 138 of N.I. Act.

Miscellaneous Petitions, if any, pending in this criminal appeal shall stand closed.

M.SATYANARAYANA MURTHY, J

10.03.2017
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