

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE Nos.415 and 418 of 2006

COMMON ORDER:

These two Criminal Revision Cases are filed by the Accused in C.C.No.489 of 2002 and C.C.No.298 of 2001 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad, and appellant in Crl.A.No.177 and 178 of 2005 on the file of II Additional Metropolitan Sessions Judge, Hyderabad, questioning the propriety and legality of the conviction and sentence passed against the accused for the offence under Section 138 of NI Act as the Courts below found the accused guilty for the said offence.

It is brought to the notice of this Court by the learned counsel for petitioners that during pendency of these revisions, the matters were settled outside the Court and produced a copy of 'No Due Certificate' and 'Compromise Settlement Deed dt. 27.07.2016 between M/s Sri Sai Glass (Private) Limited, Rep. by its Managing Director and Liquidator, Vasavi Cooperative Urban Bank Limited, Secunderabad, and in terms of the "Compromise Settlement Deed", the petitioner paid the agreed amount of Rs.52,94,100/- and obtained a Receipt dt.22.07.2016 from the Liquidator, Vasavi Cooperative Urban Bank Limited, Secunderabad, along with No Due Certificate Dt.27.07.2016.

As the accused paid the entire amount, the proceedings under Sections 138 of NI Act need not be continued, in view of the recent judgment of the Supreme Court in *Meters and Instruments Private Limited and another v. Kanchan Metha of 2002* in Criminal Appeal No. 1731 of 2017 along with two other Criminal Appeals, wherein the Apex Court held that even without appearance of the complainant, if

there is evidence on record that the accused paid the entire amount together with interest and costs, the Court can exercise power under Section 258 Cr.P.C. and close the proceedings to avoid unnecessary pendency.

In para No.19 of the Judgment, the Apex Court held that where the cheque amount with interest and cost as assessed by the Court is paid by a specified date, the Court is entitled to close the proceedings in exercise of its power under Section 143 of the Act read with Section 258 Cr.P.C.

Here, the petitioner paid the entire amount and produced Photostat copy of the document before this Court and the counsel for respondent did not deny, though appearing, about payment of the amount. Therefore, in view of the settlement between the parties outside of the Court and payment of entire amount and by following the direction issued by the Apex Court in para No.19 of the Judgment by exercising power under Section 143 NI Act read with 258 Cr.P.C., the proceedings in both the revisions are closed allowing these two revisions setting aside the conviction and sentence passed by the trial Court, affirmed by the Appellate Court.

Accordingly, these two Criminal Revision Cases are allowed.

As a sequel, miscellaneous petitions, if any, pending in these petitions, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 13-10-2017.
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