

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Crl.R.C.M.P.No.1142 of 2017

IN/AND

Crl.R.C.No.676 of 2017

ORDER:

Heard both sides and perused the material on record.

Parties present. They filed the above petition seeking permission to compound the offence under Section 138 of the Negotiable Instruments Act (for short 'the Act') in view of their compromise.

As per the expression of the Apex Court in **Damodar S.Prabhu Vs. Sayed Babalal¹** and **R.Vijayan Vs. Baby²**, the 10% of the cheque amount of Rs.3,50,000/- i.e., Rs.35,000/- is ordered to be payable to the Chief Justice Relief Fund for permitting compounding the offence. Since the revision petitioner and revision 2nd respondent want to pay said amount, the matter is passed over.

Later, proof of payment vide receipt No.49 from the Account Section of the High Court, of payment of Rs.35,000/- as compounding fee is filed and the same is recorded.

The revision petitioner and revision 2nd respondent present stating that they settled the issue outside the Court. In view of payment of compounding fee and compromise of the parties, the offence is compounded and the conviction judgment of the trial Court confirmed by the lower appellate Court by virtue of this order is set aside and the accused is acquitted. The bail bonds of the accused, if any, shall stand cancelled.

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

In the result, both the CrI.R.C.M.P.No.1142 of 2017 and the criminal revision case are allowed. Pending miscellaneous petitions, if any in this revision, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 15.03.2017
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