

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Crl.R.C.M.P.Nos.5184 AND 5185 of 2016

AND

CRIMINAL REVISION CASE No.3317 of 2016

COMMON ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., challenging the judgment, dated 04-11-2016 in Crl.A.No.462 of 2014, on the file of the III Addl. District and Sessions Judge, Ranga Reddy District at L.B.Nagar, wherein and whereby the judgment, dated 30-05-2014 in C.C.No.34 of 2013 passed by the Special Magistrate-1, Cyberabad at Malkajgiri, in convicting the accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') and sentencing him to undergo simple imprisonment for a period of one year and also to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three years, were confirmed.

2. Crl.R.C.M.P.Nos.5184 and 5185 of 2016 are filed to permit *de facto* complainant to compromise the matter with the petitioner/accused.

3. The petitioner and the second respondent are present. Mr.A.Ramakrishna, learned counsel representing Mr.Nimmagadda Satyanarayana, learned counsel for the petitioner identified the petitioner. Mr.B.Siva Sankar, learned counsel representing Mr.A.P.Suresh, learned counsel for the 2nd respondent identified the second respondent in the open Court.

4. The petitioner and the second respondent submitted that they have settled the matter outside the Court at the advice of the elders. The cheque amount is of Rs.94,472/-. The petitioner paid an amount of Rs.14,171/-to the High Court Legal Services Committee, Hyderabad. Since

the offence punishable under Section 138 of the Act is compoundable in nature, there is no impediment to set aside the conviction and sentence recorded against the accused.

5. Having regard to the facts and circumstances of the case and also the factum of settlement arrived at between the parties, I am of the considered opinion that it is a fit case to allow the Criminal Revision Case.

6. Accordingly, CrI.R.C.M.P.Nos.5184 and 5185 of 2016 are ordered. Consequently, the Criminal Revision Case is allowed, setting aside the conviction and sentence recorded against the petitioner-accused by the Special Magistrate-1, Cyberabad at Malkajgiri, vide judgment, dated 30-05-2014 in C.C.No.34 of 2013 and as confirmed by the III Addl. District and Sessions Judge, Ranga Reddy District at L.B.Nagar, by judgment, dated 04-11-2016 in CrI.A.No.462 of 2014. The accused is acquitted of the offence punishable under Section 138 of the Act. The bail bonds of the accused shall stand cancelled. Miscellaneous petitions, if any pending in the Criminal Revision Case, shall stand closed.

T.SUNIL CHOWDARY, J.

DATED: 05-01-2017

Hsd