

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.R.C.M.P.Nos.3909 & 3910 OF 2017
IN/AND
CRIMINAL REVISION CASE No.2006 OF 2017

COMMON ORDER:

Crl.R.C.M.P.Nos.3909 and 3910 of 2017 are filed under Sections 320(2) and 320(6) of Code of Criminal Procedure for compounding the offence punishable under Section 138 of the Negotiable Instruments Act.

The memorandum of compromise is filed along with the petition.

Learned counsel for the petitioner/accused submits that both the parties entered into compromise and accused paid the amount to the petitioner by way of cheque.

The complainant-B.Rajpal Reddy is present in person and the accused-B.Narsing Rao is also present in person and they are identified by their respective counsel in open Court. They produced photostat copies of Adhaar cards in proof of their identity. When the terms and conditions of the memorandum of compromise are explained to them, they are admitted to be true and correct. The complainant admitted that he received an amount of Rs.4,50,000/- and had no objection to acquit the accused for the offence punishable under Section 138 of Negotiable Instruments Act.

Further, by following guideline No.3 of the judgment in **Damodar S Prabhu Vs. Sayed Baba Lal H¹**, i.e. direction to pay 15% of the cheque amount to be deposited as a condition for compounding to the credit of High Court Legal Services Committee, the learned counsel for the petitioner/accused produced receipt No.895 confirming payment of 15% of cheque amount by way of Demand

¹ AIR 2010 SC 1907

Draft bearing No.887572, dated 04.09.2017 to the High Court Legal Services Committee and complied with the said condition.

Hence, I find that the compromise is voluntary and permission is granted to compound the offence in view of payment of requisite amount. Accordingly, CrI.R.C.M.P.Nos.3909 and 3910 of 2017 are ordered.

As a result thereof, the Criminal Revision Case is allowed setting aside the conviction and sentence imposed against the petitioner/accused and acquit him for the offence punishable under Section 138 of N.I Act. Petitioner/accused be set at liberty forthwith, in case, he is not required in any other case. The bail bonds, if any, shall stand cancelled.

Consequently, miscellaneous petitions pending if any, shall stand closed.

Date:04.09.2017
ssp



JUSTICE M. SATYANARAYANA MURTHY