

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRL.RC.MP.Nos.1739 and 1740 of 2017
IN/AND
CRIMINAL REVISION CASE No.721 of 2008

ORDER :

Impugning the concurrent findings of the conviction of the revision petitioner/accused, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), this revision is maintained by the accused.

Heard both sides and perused the material on record.

The parties filed petitions seeking permission to compound the offence under Section 138 of the Act, in view of their compromise.

As per the expressions of the Apex Court in Damodar S.Prabhu Vs. Sayed Babalal¹ and R.Vijayan Vs. Baby², the 10% of the cheque amount of Rs.1,50,000/-, which comes to Rs.15,000/- is ordered to be payable to the Chief Justice Relief Fund for permitting compounding and Receipt No.100 dated 17.04.2017 issued by the Accounts Officer of this Court is filed to that effect. Hence, the same is recorded.

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

In view of payment of compounding fee and compromise of the parties, the offence is compounded and the conviction judgment dated 06.07.2006 in C.C.No.385 of 2011 passed by the II Additional Judicial Magistrate of First Class, Tirupati, , is set aside. The bail bonds of the accused, if any, shall stand cancelled. The accused is entitled to refund of any fine or compensation paid so far either pursuant to the trial Court judgment or lower appellate Court judgment or pending the appeal, as the case may be.

Accordingly, CrI.R.C.MP.Nos.1739 and 1740 of 2017 and CrI.R.C.No.721 of 2008 are allowed.

Miscellaneous petitions, pending if any, shall stand closed.

Date:17-04-2017

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Dr. B. SIVA SANKARA RAO, J

