

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRL.RC.MP.Nos.655 and 656 of 2017
IN/AND
CRIMINAL REVISION CASE No.2614 of 2016

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 a petition under Section 147 of the Act, 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.3,00,000/-, which comes to Rs.30,000/- is ordered to be payable to the Chief Justice Relief Fund for permitting compounding under Section 147 of the Act and Receipt No.79 dated 30.03.2017 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 26.10.2015 in C.C.No.46 of 2015 passed by the VIII Special Magistrate, Hasthinapur, Ranga Reddy District, 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.655 and 656 of 2017 and CrI.R.C.No.2614 of 2016 are allowed.

Miscellaneous petitions, pending if any, shall stand closed.

Date:06-04-2017

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Dr. B. SIVA SANKARA RAO, J

