

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Crl.R.C.M.P.No.4561 of 2016

IN/AND

Crl.R.C.No.1158 of 2016

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.

There is fault on the part of the Court in its signing from the court master's wrong typing instead of ordering the amount payable to the Chief Justice Relief Fund as if to the 2nd respondent of Rs.9,000/- which is 10% of the compounding fee for the cheque amount of Rs.90,000/- to be compromised as per the expression of the Apex Court in **Damodar S.Prabhu Vs. Sayed Babalal¹** and **R.Vijayan Vs. Baby²**. At this stage both parties stated that they are ready to pay the amount to the Chief Justice Relief Fund, seeking pass over the matter.

Later, proof of payment receipt from the Account Section of the High Court, of payment of Rs.10,000/- as compounding fee is filed and the same is recorded.

The revision petitioner and revision 1st 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 lower Court by virtue of this order is set aside and the accused is

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

acquitted. The bail bonds of the accused, if any, shall stand cancelled.

In the result, both the CrI.R.C.M.P.No.4561 of 2016 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: 22.02.2017
ska

