

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CrI.R.C.MP.No.999 of 2017 in/and
CrI.R.C.No.1973 of 2014

COMMON ORDER:

This Criminal Revision Case is filed, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the CrPC', for short) assailing the judgment of conviction, dated 09.11.2012 in CrI.A.No.244 of 2010, whereby the learned Sessions Judge, SPSR Nellore while dismissing the said appeal had confirmed the judgment of conviction dated 22.11.2010 in C.C.No.526 of 2007 on the file of the Court of the learned II Additional Judicial Magistrate of First Class, Nellore.

CrI.RC.MP.No.999 of 2017 is filed under Section 147 of the Negotiable Instruments Act, 1881, read with Section 482 of CrPC requesting permission to compound the offences and allow the criminal revision case and set aside the judgment of the appellate Court whereby the judgment of the trial Court is confirmed.

The petitioner-accused and the general power of attorney holder of the 1st respondent-complainant, who is stated to be the father of the 1st respondent-complainant, are present. They are identified by their respective counsel. They also produced copies of their respective identity proofs. They stated that they have entered into a compromise and had further asserted the terms of the compromise.

In terms of the decision of the Apex Court in Damodar S. Prabhu v. Sayed Babalal H¹ any offence punishable under Section 138 of the N.I. Act can be compounded on condition that the accused pays 15% of the cheque amount by way of costs, as per guideline no.1(c) of the said judgment. In compliance

¹ (2010) 5 SCC 663

of the above guideline, the petitioner paid a sum of Rs.30,000/-, in cash, to the High Court Legal Services Committee, *vide*, Receipt No.756 dated 09.03.2017.

The GPA holder of the 1st respondent-complainant, in the presence of the counsel, and before the Court, received a Draft bearing No.787568, dated 03.03.2017, for Rs.1,20,000/- [Rupees One Lakh and Twenty Thousand only] in the name of his daughter, M. RADHANANDINI, the 1st respondent-complainant, and orally acknowledged receipt of the same.

In the circumstances, CrI.RC.MP.No.999 of 2017 is allowed and the petitioner-accused and the GPA holder of the 1st respondent-complainant are permitted to compound the offence. Consequently, CrI.R.C. is also allowed and the judgment, dated 09.11.2012, of the learned Sessions Judge, SPSR Nellore, passed in CrI.A.No.244 of 2010 whereby the judgment of conviction, dated 22.11.2010 in CC.No.526 of 2007, on the file of the Court of the learned II Additional Judicial Magistrate of First Class, Nellore was confirmed are set aside and the petitioner-accused is acquitted of the offences for which he was found guilty. His bail bonds shall stand cancelled. The Joint Memo filed by the parties shall form part of this order.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

09.03.2017
Vjl