

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.R.C.M.P.Nos.3630 & 3883 OF 2017
IN/AND
CRIMINAL REVISION CASE NO.2254 OF 2017

ORDER:

Crl.R.C.M.P.Nos.3630 & 3883 OF 2017

These miscellaneous petitions are filed under Section 147 of Negotiable Instruments Act (for short 'Act') for compounding the offence punishable under Section 138 of the Act. Learned counsel for the petitioner/accused submits that both the parties entered into compromise and accused paid the amount covered by the cheque.

The complainant and father in law of the accused are present in person and they are identified by their respective counsel. When terms of compromise are explained in vernacular language, they are admitted to be true and correct. The complainant admitted that he received an amount of Rs.5,00,000/- and had no objection to acquit the accused for the offences punishable under Section 138 of N.I.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 with the High Court Legal Services Committee, the learned counsel for the petitioner/accused produced receipt No.893 confirming payment of Rs.75,000/- by way of Demand

¹ AIR 2010 SC 1907

Draft bearing No.887560 dated 01.09.2017 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.

CrI.R.C. NO.2254 OF 2017

In view of the orders passed in CrI.R.C.M.P.Nos.3630 & 3883 OF 2017, the present criminal revision case is allowed, setting aside the conviction and sentence and acquitted for the offences 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, without furnishing any security.

In the result, criminal revision case is allowed and the petitioner/accused is set at liberty forthwith, in case, he is not required in any other case, without furnishing any security.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:01.09.2017

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Note: CC by today

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