

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CrI.R.C.MP.No.2881 of 2017

in/and

CrI.R.C.No.654 of 2017

COMMON ORDER:

The Criminal Revision Case is filed, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the CrPC', for short) assailing the judgment, dated 29.12.2016, passed in Criminal Appeal No.204 of 2014 on the file of the Court of the learned II Additional Metropolitan Sessions Judge, Visakhapatnam, whereby, the said learned Sessions Judge, while dismissing the said appeal confirmed the conviction recorded and sentence imposed against the petitioner/ accused, in the judgment, dated 12.09.2014, in C.C.No.458 of 2013 rendered by the learned Special Judicial First Class Magistrate, (Prohibition & Excise), Visakhapatnam.

Pending revision, CrI.R.C.M.P.No.2881 of 2017 is filed by the petitioner-accused under Section 147 of the Negotiable Instruments Act, 1881, read with Section 482 of the CrPC, requesting for permission to compound the offence and allow the criminal revision case, set aside the judgment of the Court below, whereby the judgment of the trial Court is confirmed; and, accordingly acquit the petitioner-accused.

When the matter was taken up, the petitioner-accused and the 2nd respondent-complainant are present. They produced copies of their respective identity proofs. They are also identified by their respective counsel. When examined, they stated that they amicably settled the matter and that in pursuance of the said settlement, the petitioner/accused paid a sum of Rs.1,50,000/- to the 2nd respondent/ complainant and the same is received by him towards full and final settlement. The 2nd respondent/ complainant stated that no further amounts are due to him from the petitioner-accused and that

the terms of compromise are reduced into writing in the form of joint memo, which is signed by the parties and their counsel. They asserted the terms of the compromise and stated that they have voluntarily and willingly entered into compromise without any force or pressure from any quarter.

Further, in compliance of the guidelines in the decisions in *Damodar S. Prabhu v. Sayed Babalal*¹ and *R. Vijayan v. Baby*², the petitioner paid a sum of Rs.15,000/- (10% of the cheque amount) to the High Court Legal Services Committee by way of Demand Draft bearing No.886767 drawn on the Secretary, High Court Legal Services Committee *vide*, Receipt No.846, dated 29.06.2017.

In the circumstances, CrI.RC.MP.No.2881 of 2017 is allowed and the petitioner-accused and the 2nd respondent-complainant are permitted to compound the offence. Consequently, Criminal Revision Case is allowed and the judgment, dated 29.12.2016, passed in Criminal Appeal No.204 of 2014 on the file of the Court of the learned II Additional Metropolitan Sessions Judge, Visakhapatnam, whereby, the judgment of conviction, dated 12.09.2014, recorded in C.C.No.458 of 2013 by the learned Special Judicial First Class Magistrate, (Prohibition & Excise), Visakhapatnam, was confirmed is set aside and the petitioner-accused is acquitted of the offence/s 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

29.06.2017
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¹ 2010 (5) SCC 663

² 2012(1) SCC 260