

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Crl.M.P.No.1266 of 2017

in/and

CRIMINAL REVISION CASE No.710 of 2017

COMMON ORDER:

The revision, Crl.R.C.No.710 of 2017, under Sections 397 and 401 of Criminal Procedure Code, 1973 (for short, Cr.P.C.), is filed by the petitioner against the judgment dated 06.09.2016 in Crl.A.No.378 of 2015 on the file of the I Additional Sessions Judge, East Godavari at Rajamahendravaram.

Heard the revision petitioner and the learned Public Prosecutor for the State.

The complainant is present. The petitioner-accused is in jail. Crl.M.P.No.1266 of 2017 is filed stating that the parties compromised the matter. Under Section 147 of the Negotiable Instruments Act read with Section 320 Cr.P.C., the offence is permitted to be compounded subject to the compliance of the expression of the Apex Court (3 Judges bench) in **Damodar S.Prabhu V. Sayed Babulal**¹ guidelines are laid down in saying the compounding can be permitted at any stage, subject to application of the accused and subject to condition of deposit of costs either to legal services authority or other as the Court directs out of the cheque value specified i.e, upto 10% before the trial Court if not moved at the initial stage and upto 15% before the Court of Session or High Court and thereafter before the Apex Court upto 20% and at para 17 of the Judgment it was held as

¹ (2010) 5 SCC 31

part of the guidelines that the concerned Court can of course reduce the costs with regard to the special facts and circumstances while recording reasons in writing for such variance of said guidelines.

Having regard to the above, by applying the propositions to the present facts by imposing Rs.30,000/- (Rupees Thirty Thousand only) towards costs to the Chief Justice Relief Fund, subject to that, permitting for compounding.

Accordingly and since compliance is made, Crl.M.P.No.1266 of 2017 and the criminal revision case are disposed of by recording compromise, compounding the offence and as a sequel the conviction judgment of trial Court confirmed by the first appellate Court, set aside as compounded. Having regard to the above, warrants issued, if any, against the revision petitioner (accused) by the 1st appellate Court or trial Court are hereby cancelled for the matter ended in compromise and nothing remained to enforce or execute.

Since the main revision is disposed of, miscellaneous petitions pending in the revision, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

March 21, 2017

MRR

Note: Furnish C.C. tomorrow

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1 (2010)5 SCC 31

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