

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Crl.R.C.M.P.No.3150 of 2017

and

Crl.R.C.No.743 of 2017

COMMON ORDER:

The Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973, assailing the judgment dated 24.10.2016 passed in Criminal Appeal No.732 of 2013 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, whereby the learned Sessions Judge, while dismissing the said appeal confirmed the conviction and sentence imposed against the petitioner/accused vide judgment, dated 23.07.2013 in C.C.No.142 of 2012 on the file of XI Special Magistrate Court, Secunderabad at Hyderabad.

2. At the hearing, petitioner/accused and the complainant stated that they have amicably settled the matter outside the Court and that pending revision, Crl.R.C.M.P.No.3150 of 2017 is filed by the petitioner-accused under Section 147 of the Negotiable Instruments Act, 1881, along with memo, where-under the terms of compromise are reduced into writing, and requested to compound the offence and allow the criminal revision case by setting aside the judgment of the Court below, whereby the judgment of the trial Court is confirmed; and accordingly acquit the petitioner-accused.

3. When the matter is 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 the complainant stated that the amount due and payable is received from the accused and no amounts are due and payable to him. A

receipt No.866 is produced showing payment of 10% of the amount by way of Demand Draft bearing No.887039 dated 24.07.2017 for Rs.5,800/- drawn in favour of the Secretary, High Court Legal Services Committee. The said amount is deposited as per the presidential guidelines in the decisions in **Damodar S. Prabhu v. Sayed Babalal**¹ and **R. Vijayan v. Baby**².

4. In view of the amicable settlement between the parties, CrI.R.C.M.P.No.3150 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 24.10.2016 passed in CrI.A.No.732 of 2013 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, whereby the judgment of conviction, dated 23.07.2013 recorded in C.C.No.142 of 2012 by the learned XI Special Magistrate Court, Secunderabad at Hyderabad was confirmed, is set aside and the petitioner-accused is acquitted of the offence 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, if any, pending in the revision shall stand closed.

JUSTICE M. SEETHARAMA MURTI

24th July, 2017

sj

¹ 2010 (5) SCC 663

² 2012(1) SCC 260