

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CrIRCMP No.604 of 2017

in/and

CrI.R.C.No.382 of 2017

ORDER:

Heard both sides and perused the material on record.

Parties present. They filed a petition under Section 147 of the Negotiable Instruments Act (for short, 'the N.I.Act'), vide CrIRCMPSR No.4311 of 2017 seeking permission to compound the offence u/ sec.138 of the N.I.Act, in view of their compromise.

As per the expression of the Apex Court in Damodar S.Prabhu Vs. Sayed Babalal¹ and R.Vijayan Vs. Baby², the 10%(Rupees ten thousand only) of the cheque amount of Rs.1,00,000/- (Rupees one lakh only) is ordered to be payable to the Chief Justice Relief Fund for permitting compounding u/ sec.147 of the N.I.Act. Since the revision petitioner and revision respondent wants to pay said amount, the matter is passed over.

Later, proof of payment receipt from the Account Section of the High Court, of payment of Rs.10,000/- as compounding fee is filed and the same is recorded.

The revision petitioner and revision 1st respondent present stating that they settled the issue outside the Court. In view of payment of compounding fee and compromise of the parties, the offence is compounded and the conviction judgment of the lower Court by virtue of which set aside. The bail bonds of the accused, if any, shall stand cancelled.

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

In the result, both the CrI/CMP/SR No.4311 of 2017 and the CrI.R.C.SR No.4308 of 2017 are allowed. Pending miscellaneous petitions, if any in this revision, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:06.02.2017.
Vvr.

