

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL R.C. M.P. No.4238 OF OF 2017

IN/AND

CRIMINAL REVISION CASE No.1027 OF 2005

COMMON JUDGMENT:

The learned Judicial Magistrate of First Class, Special Mobile Court, Nalgonda, convicted the revision petitioner - accused viz., Anthari Shekar, under Section 255 (2) of the Code of Criminal Procedure, 1973 (for short 'Code'), in C.C. No.38 of 2003 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced him to undergo simple imprisonment for a period of one (1) year and also to pay a fine of Rs.5,000/- with default sentence to undergo rigorous imprisonment for a period of two (2) months, by the judgment dated 22.07.2003.

2. When the revision petitioner carried the matter to the lower appellate Court i.e., the learned I Additional Sessions Judge, Nalgonda, by the judgment, dated 28.06.2005, dismissed the appeal in Criminal Appeal No.92 of 2003, confirming the conviction recorded and also maintaining the sentence of imprisonment inflicted by the learned Magistrate along with the fine imposed. Aggrieved over the same, the present Criminal Revision Case is preferred.

3. However, Criminal R.C. M.P. No.4238 of 2017 is filed by the complainant (respondent No.1) praying to permit him to compromise the matter with the revision petitioner by compounding the offence as they settled the matter by entering into compromise and accordingly requests to acquit the revision petitioner in view of the compromise by setting side the conviction and the sentence inflicted along with the fine amount imposed against him by the Courts below.

4. Sri C. Sharan Reddy, learned counsel for the revision petitioner - accused, and Sri A. Hari Prasad Reddy, learned counsel for respondent No.1 - complainant, would submit that they entered into compromise at the instance of their elders and well-wishers and settled the dispute by paying the entire due amount to the complainant towards full and final settlement of the issue, and to that effect they have also filed a petition for compromise, signed by both parties as well as their counsel, stating that they have entered into settlement compromising the matter and, therefore, request to record the compromise and to allow the present revision and consequently, to set aside the conviction recorded including the sentence of imprisonment and the compensation awarded by the Courts below.

5. Both parties i.e., respondent No.1 - complainant viz., Lingampally Krishnamurthy, and the revision petitioner - accused viz., Anthari Shekar, are present along with their respective counsel, Sri A. Hari Prasad Reddy and Sri C. Sharan Reddy, and the parties are

identified by their respective counsel. Even with reference to identity of the parties, they produced their “Aadhaar Cards” and the Court Officer verified their identity.

6. On being asked, the complainant and the revision petitioner report that they have compromised the matter by entering into the settlement as referred to above and, therefore, request to permit them to compromise the matter, record the compromise, compound the offence, and to allow the present revision by setting aside the conviction recorded against the revision petitioner by the Courts below.

7. Since both parties have affirmed the terms of the joint memo and request to record the compromise, and in view of the law declared by the Hon’ble Supreme Court in **Damodar S. Prabhu v. Sayed Babalal H.**¹, since the revision petitioner has paid an amount of Rs.4,500/- (Rupees four thousand five hundred only) towards 15% of the cheque amount that being Rs.30,000/-, by way of costs to the Telangana State Legal Services Authority, Nyaya Seva Sadan, City Civil Court Buildings, Hyderabad, and filed a memo to that effect annexing the original receipt, dated 14.11.2017, Crl.R.C.M.P.4238 of 2017 is allowed recording the compromise and accordingly, the offence registered against the revision petitioner - accused is compounded.

¹ (2010) 5 SCC 663

8. Consequently, the Criminal Revision Case is allowed in terms of the compromise recorded by setting aside the conviction recorded by the trial Court as affirmed by the lower appellate Court including the sentence of imprisonment inflicted on the revision petitioner and the fine imposed, and consequently the revision petitioner is acquitted of the offence. The bail bonds, if any, furnished by the revision petitioner shall stand cancelled.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand closed.

December 14, 2017.

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A. SHANKAR NARAYANA, J

