

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.R.C.M.P.No.4004 of 2017
IN/AND
CRIMINAL REVISION CASE NO.2445 OF 2017

ORDER:

CrI.R.C.M.P.No.4004 of 2017

This miscellaneous petition is filed under Section 147 of Negotiable Instruments Act (for short 'N.I.Act') for compounding the offence punishable under Section 138 of the N.I.Act.

The revision petitioner/accused was convicted for the offence punishable under Section 138 of the N.I.Act in C.C.No.314 of 2011 by the trial Court and the same was affirmed by the appellate Court in CrI.A.No.530 of 2014.

Learned counsel for the revision petitioner/accused submits that both the parties entered into compromise and reduced the same into writing.

Both parties present in-person before this Court and they are identified by their respective counsels and produced Photostat copies of aadhaar cards in proof of their identity.

When terms of compromise are explained in vernacular language, they are admitted to be true and correct. The complainant admitted that he had no objection to acquit the accused for the offences punishable under Section 138 of N.I.Act.

Further, by following guideline No.3 of the judgment in "***Damodar S Prabhu v. Sayed Baba Lal H***", i.e. 15% of the cheque amount to be deposited, as a condition for compounding

¹ AIR 2010 SC 1907

the offence, with the High Court Legal Services Committee, the learned counsel for the petitioner/accused produced receipt No.899 confirming payment of Rs.30,000/- by way of Demand Draft bearing No.887643 dated 12.09.2017 to the High Court Legal Services Committee and complied with the said condition.

Hence, I find that the compromise is voluntary and permission is granted to compound the offence, in view of payment of requisite amount. In terms of the compromise, the revision petitioner is permitted to withdraw the amount already deposited to the credit of C.C.No.314 of 2011 on the file of X Special Magistrate, L.B.Nagar, R.R.District. Therefore, the trial Court is directed to permit the revision petitioner/accused to withdraw the amount deposited to the credit of C.C.No.314 of 2011 on filing necessary application. Accordingly, the petition is ordered.

Crl.R.C. NO.2445 OF 2017

In view of the orders passed in Crl.R.C.M.P.No.4004 of 2017, the present criminal revision case is allowed setting aside the conviction and sentence passed by the trial Court and affirmed by the appellate Court. The revision petitioner is acquitted for the offences punishable under Section 138 of N.I Act.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

12.09.2017
Ksp