

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRL.RC.MP.No.872 of 2017
IN/AND
CRIMINAL REVISION CASE No.512 of 2017

ORDER :

Impugning the concurrent findings of the conviction of the revision petitioner/accused, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), this revision is maintained by the accused.

Heard both sides and perused the material on record.

The parties with their respective counsel are present. They filed a petition under Section 147 of the Act, seeking permission to compound the offence under Section 138 of the Act, in view of their compromise.

As per the expressions of the Apex Court in Damodar S.Prabhu Vs. Sayed Babalal¹ and R.Vijayan Vs. Baby², the 10% of the cheque amount of Rs.1,70,000/-, which comes to Rs.17,000/- is ordered to be payable to the Chief Justice Relief Fund for permitting compounding under Section 147 of the Act. Since the revision petitioner and revision 1st respondent want to pay the said amount, the matter is passed over. Later, compounding fee of Rs.17,000/- is paid vide receipt No.40 dated

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

02.03.2017 issued by the Accounts Officer of the High Court and the same is recorded.

In view of payment of compounding fee and compromise of the parties, the offence is compounded and the conviction judgment dated 11.06.2014 in C.C.No.276 of 2013 passed by the VIII Special Magistrate, L.B.Nagar at Hasthinapur, Ranga Reddy District, is set aside. The bail bonds of the accused, if any, shall stand cancelled. The accused is entitled to refund of any fine or compensation paid so far either pursuant to the trial Court judgment or lower appellate Court judgment or pending the appeal as the case may be.

In the result, both the CrI.R.C.MP.No.872 of 2017 and the CrI.R.C.No.512 of 2017 are allowed.

Miscellaneous petitions, pending if any, shall stand closed.

Date:02-03-2017

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Dr. B. SIVA SANKARA RAO, J