

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.R.C.M.P.No.3892 OF 2017

IN/AND

CRIMINAL REVISION CASE No.2099 OF 2017

COMMON ORDER:

CrI.R.C.M.P.No.3892 of 2017 is filed under Section 147 of Negotiable Instruments Act (for short 'the Act') for compounding the offence punishable under Section 138 of the Act.

Learned counsel for the petitioner/accused submits that both the parties entered into compromise and accused paid the amount to the petitioner by way of cheque.

The complainant-R.Venkata Sesha Reddy is present in person and the accused-Shaik Mastan Saheb is present in person and they are identified by their respective counsel in open Court. They produced photostat copies of Adhaar cards in proof of their identity. When the terms and conditions of the memorandum of compromise are explained to them, they are admitted to be true and correct. The complainant admitted that he received an amount of Rs.1,25,000/- and had no objection to acquit the accused for the offence punishable under Section 138 of the Act.

Further, by following guideline No.3 of the judgment in **Damodar S Prabhu Vs. Sayed Baba Lal H¹**, i.e. direction to pay 15% of the cheque amount to be deposited as a condition for compounding, to the credit of High Court Legal Services Committee, the learned counsel for the petitioner/accused produced receipt No.894 confirming payment of 15% of cheque amount by way of Demand Draft bearing No.887570, dated 04.09.2017 to the High Court Legal Services Committee and complied with the said condition.

¹ AIR 2010 SC 1907

Hence, I find that the compromise is voluntary and permission is granted to compound the offence in view of payment of requisite amount. Accordingly, CrI.R.C.M.P.No.3892 of 2017 is ordered.

As a result thereof, the Criminal Revision Case is allowed setting aside the conviction and sentence imposed against the petitioner/accused and acquit him for the offence punishable under Section 138 of the Act. Petitioner/accused be set at liberty forthwith, in case, he is not required in any other case. The bail bonds, if any, shall stand cancelled.

Consequently, miscellaneous petitions pending if any, shall stand closed.

Date:04.09.2017
ssp



JUSTICE M. SATYANARAYANA MURTHY