

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.A.M.P.NO.956 of 2017 IN/AND Crl.A.No.460 of 2015

ORDER:

Crl.A.M.P.No.956 of 2017:

This petition is filed under Section 320 read with Section 482 of Criminal Procedure Code (for short "Cr.P.C.") read with 147 of Negotiable Instruments Act seeking permission to compound the offence punishable under Section 138 of Negotiable Instruments Act, by acquitting the accused in C.C.No.28 of 2010 on the file of the III Additional Magistrate of First Class, Kakinada, who is the respondent No.1 in Crl.A.No.46 of 2013 on the file of IV Additional District and Sessions Judge, East Godavari District at Kakinada, in view of the compromise entered between the parties.

The petitioners and the accused are present and they are identified by their respective counsels and the parties produced Photostat copies of Aadhaar cards for proof of their identity.

On enquiry the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and the petitioners stated that they received Rs.2,00,000/- from the accused towards full and final settlement. In view of the Apex Court judgment in "**Damodar S. Prabhu v. Sayed Babalal H.**"¹ and as directed by this Court the appellant/accused paid 15% of the cheque amount to the credit of High Court Legal Services Authority, for compounding the offence punishable under Negotiable Instruments Act.

Hence, I find that the compromise is voluntary and parties

¹ (2010) 5 SCC 663

are permitted to enter into compromise. Accordingly, the petition is allowed as sought for.

Crl.A.No.460 of 2015:

In view of the order passed in Crl.A.M.P.No.956 of 2017, the appeal is allowed and the appellant/accused is acquitted for the offence punishable under Section 138 read with 142 of Negotiable Instruments Act by setting aside the order dated 16.04.2015 passed in Crl.A.No.46 of 2013 by the IV Additional District and Sessions Judge, East Godavari District, Kakinada.

The miscellaneous petitions pending, if any, shall also stand closed.

20.04.2017

Note:
Issue C.C.today.
B/o
Ksp

JUSTICE M. SATYANARAYANA MURTHY

