

HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

Crl.R.C.No.2070 of 2016

ORDER :

The revision petitioner – accused and the revision second respondent – complainant of C.C.No.416 of 2014 on the file of the Special Magistrate IV at Visakhapatnam, from the case ended in conviction went unsuccessful including in Criminal Appeal No.287 of 2014 on the file of the I Additional Metropolitan Sessions Judge, Visakhapatnam, since maintained the revision and pending revision, the de facto-complainant and accused supra wanted to compound the offence. In view of the same and petition filed under Section 147 of Negotiable Instrument Act and for compounding the offence, compounding fee to be paid as per the expression of the Apex Court in *Damodar S. Prabhu v. Sayed Babalal*¹, further clarified in *R.Vijayan v. Baby*² and from the submissions of the complainant, accused already incurred the amount by payment to the complainant and is poor and difficult to secure means, from the discretion to be exercised from the expressions to reduce the outer limit of 15% of the cheque amount, 10% of the cheque amount is imposed as compensation to be paid to Chief Justice Relief Fund.

In view of the amount paid, proof is filed in compliance of the order passed sometime before today. Complainant and accused are present and sought for compounding the offence. Permission is

¹ 2010 (5) SCC 663

² 2012 (1) SCC 260

accorded. The offence is compounded. The conviction judgment of the trial Court, confirmed with modification to some extent by the lower appellate court, is set aside by virtue of the permission and bail bonds of the accused are cancelled and he is set at liberty, if not otherwise required in any other case.

The Criminal Revision Case is allowed.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

30th January, 2017

skmr

DR.JUSTICE B.SIVA SANKARA RAO

