

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL R.C. M.P. No.5143 OF 2017

IN/AND

CRIMINAL REVISION CASE No.3180 OF 2017

COMMON JUDGMENT:

The learned XXIII Special Magistrate, Hyderabad, convicted the revision petitioner - accused viz., Sandeep Jain, under Section 255 (2) of the Code of Criminal Procedure, 1973 (for short 'Code'), in C.C. No.441 of 2012 (Old C.C. No.246 of 2012) for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced him to undergo simple imprisonment for a period of six (6) months and also to pay a fine of Rs.2,25,000/- with default sentence to undergo simple imprisonment for four (4) months, and out of the fine amount, directed to pay Rs.2,15,000/- to respondent No.1 herein - complainant viz., M/s. Prem Agro Foods, represented by its Manager - cum - In-charge of Business viz., Anil Kumar Inani (PW.1), as compensation under Section 357 of the Code, by the judgment dated 26.12.2014.

2. When the revision petitioner carried the matter to the lower appellate Court, the learned IV Additional Metropolitan Sessions Judge, Hyderabad, dismissed the appeal in Criminal Appeal No.55 of 2015, by the judgment, dated 20.07.2017, confirming the trial Court's

judgment in all respects. Aggrieved over the same, the present Criminal Revision Case is preferred.

3. However, Criminal R.C. M.P. No.5143 of 2017 is filed by the complainant (respondent No.1) praying to permit it to compromise the matter with the revision petitioner by compounding the offence as they settled the matter by entering into compromise and accordingly requests to acquit the revision petitioner in view of the compromise by setting side the conviction and the sentence imposed including the fine and the compensation awarded against him by the Courts below.

4. Sri C. Sharan Reddy, learned counsel for the revision petitioner - accused, and Sri A. Hari Prasad Reddy, learned counsel for respondent No.1 - complainant, would submit that they have entered into compromise at the instance of their elders and well-wishers and settled the dispute and the revision petitioner paid the settled upon amount to the complainant towards full and final settlement of the issue, and to that effect they have filed compromise petition, signed by both parties as well as their counsel along with the affidavit of the authorized person of the complainant, stating that they have entered into settlement compromising the matter and, therefore, request to record the compromise and to allow the present revision and consequently, to set aside the conviction recorded against the revision petitioner including the sentence of imprisonment, fine amount as well as compensation awarded by the Courts below.

5. Both parties i.e., authorized person of the complainant (respondent No.1) viz., Anil Kumar Inani, and the revision petitioner - accused viz., Sandeep Jain are present along with their respective counsel, Sri C. Sharan Reddy and Sri A. Hari Prasad Reddy, and the parties are identified by their respective counsel. Even with reference to identity of the parties, they produced their “Aadhaar Cards” and the Court Officer verified their identity. The parties and their respective counsel have also signed on the case bundle.

6. On being asked, the complainant and the revision petitioner report that they have compromised the matter by entering into the settlement as referred to above and, therefore, request to permit them to compromise the matter, record the compromise, compound the offence, and to allow the present revision by setting aside the conviction recorded against the revision petitioner by the Courts below.

7. Since both parties have affirmed the terms of the compromise petition and request to record the compromise, and in view of the law declared by the Hon'ble Supreme Court in **Damodar S. Prabhu v. Sayed Babalal H.**¹, since the revision petitioner has paid an amount of Rs.30,000/- (Rupees thirty thousand only) towards 15% of the cheque amounts that being Rs.2,00,000/-, by way of costs to the Telangana State Legal Services Authority, Nyaya Seva Sadan,

¹ (2010) 5 SCC 663

City Civil Court Buildings, Hyderabad, and filed the original receipt, dated 11.12.2017, Crl.R.C.M.P.5143 of 2017 is allowed recording the compromise, and, accordingly, the offence registered against the revision petitioner - accused is compounded.

8. Consequently, the Criminal Revision Case is allowed, at the admission stage itself, in terms of the compromise recorded by setting aside the conviction recorded by the trial Court as affirmed by the lower appellate Court including the sentence of imprisonment inflicted on the revision petitioner, fine amount and the compensation awarded to the complainant, and consequently the revision petitioner is acquitted of the offence.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand closed.

A. SHANKAR NARAYANA, J

December 11, 2017.

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