

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL R.C. M.P. No.5281 OF 2017

IN/AND

CRIMINAL REVISION CASE No.3266 OF 2017

COMMON JUDGMENT:

The learned Special Magistrate, Nandyal, convicted the revision petitioner - accused viz., Pittar Nizamudin, under Section 255 (2) of the Code of Criminal Procedure, 1973 (for short 'Code'), in C.C. No.1037 of 2014, for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced him to undergo simple imprisonment for a period of three (3) months besides ordering to pay compensation of Rs.2,90,000/- under Section 357(3) of the Code, by the judgment dated 04.05.2016.

2. When the revision petitioner carried the matter to the lower appellate Court, the learned V Additional District and Sessions Judge, Kurnool at Nandyal, dismissed the appeal in Criminal Appeal No.145 of 2016, by the judgment, dated 25.09.2017, 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.5281 of 2017 is filed by the complainant (respondent No.2) praying to permit him to compound the offence against the revision petitioner as they

compromised the matter amicably at the intervention of the elders and the revision petitioner paid the cheque amount to him, and, accordingly, requests to acquit the revision petitioner in view of the compromise by setting side the conviction and the sentence imposed including the compensation awarded against him by the Courts below.

4. Sri G. Sravan Kumar, learned counsel for the revision petitioner - accused, and Sri R. Muralidhar, learned counsel for respondent No.2 - complainant, would submit that the parties have entered into compromise at the intervention of their elders and well-wishers and settled the dispute, and the revision petitioner paid the cheque amount to the complainant towards full and final settlement of the issue, and to that effect, the complainant has filed affidavit, and, therefore, request to permit the complainant to compound the offence and consequently to allow the present revision case setting aside the conviction recorded against the revision petitioner including the sentence of imprisonment as well as the compensation awarded by the Courts below.

5. Both parties i.e., respondent No.2 - complainant viz., Kasireddy Rama Mohan Reddy, and the revision petitioner - accused viz., Pittar Nizamuddin, are present along with their respective counsel, Sri R. Muralidhar and Sri G. Sravan Kumar, 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 compromise as referred to above and, therefore, request to permit the complainant to compound the offence against the revision petitioner, 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 and the complainant requests to compound the offence against the revision petitioner, 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.43,500/- (Rupees forty three thousand five hundred only) towards 15% of the cheque amount that being Rs.2,90,000/-, by way of costs to the High Court Legal Services Committee, High Court of Judicature at Hyderabad, High Court Buildings, Hyderabad, and filed the original receipt, dated 21.12.2017, Crl.R.C.M.P.5281 of 2017 is allowed, and thereby, the offence registered against the revision petitioner - accused is compounded.

¹ (2010) 5 SCC 663

8. Consequently, the Criminal Revision Case is allowed, at the admission stage itself, in terms of the compromise 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 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 22, 2017.

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