

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1490 OF 2005

ORDER:

Heard the learned counsel for the petitioner. Though respondent No.2 is represented by Sri S.Ravikanth, Advocate, there is no representation.

2. The present Criminal Revision Case is filed challenging the judgment passed in CrI.A.No.68 of 2005 dated 2.9.2005 on the file of the Court of the III. Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment dated 25.2.2005 in C.C.No.577 of 2002 on the file of the Court of the V. Metropolitan Magistrate, Hyderabad, convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act.

3. During the pendency of the present Criminal Revision Case, the petitioner paid a sum of Rs.2 lakhs towards full and final settlement of the subject matter in the present Criminal Revision Case to respondent No.2. Respondent No.2, in turn, issued a receipt dated 3.10.2017 to the following effect:

“We are glad to confirm receipt of the following D.D's totalling to Rs.2,00,000/- towards full and final settlement against your outstanding dues and we also confirm that after clearing the said D.D's there will not be any outstanding in your account.

Xerox copies of same D.D's are enclosed.”

4. When the said fact was brought to the notice of this Court and as there was no representation for respondent No.2, this Court by order dated 21.11.2017, permitted the learned counsel for the petitioner to take out personal notice on respondent No.2. Pursuant thereto, the notice taken out on respondent No.2 through RPAD has been served and the proof of service has been filed along with memo dated 4.12.2017 vide USR.No.7754 of 2017.

5. When the matter is called today, there is no representation for respondent No.2. A copy of the said receipt dated 3.10.2017 issued by respondent No.2 is also filed along with memo dated 13.11.2017 vide USR.No.7072 of 2017.

6. Even though respondent No.2 engaged a counsel, at the first instance and also after filing of the receipt when notice is taken out, respondent No.2 has not chosen to appear. From this it appears that respondent No.2 is not interested to press the matter in the light of the receipt dated 3.10.2017 issued towards receipt of Rs.2 lakhs in the form of demand drafts towards full and final settlement against the outstanding dues and also by making it clear that there is no outstanding amount.

7. Having heard the learned counsel for the petitioner and in view of the receipt dated 3.10.2017, the Criminal Revision Case

is allowed by setting aside the judgment in CrI.A.No.68 of 2005 dated 2.9.2005 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.577 of 2002 dated 25.2.2005 on the file of the V Metropolitan Magistrate, Hyderabad.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 12.10.2018

KPM

P. KESHAVA RAO,J

