

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.3 of 2018 in CrI.R.C.No.778 of 2018

and

CrI.R.C.No.778 of 2018

COMMON ORDER:

The petitioner and his counsel Sri N.Manohar, are present. The 1st respondent and his counsel Sri P.Sriharinath, are present. Both the parties are identified by their respective counsel.

2) This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 28.10.2017 in CrI.A.No.824 of 2014 passed by the III Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, whereby and whereunder the learned Judge convicted the petitioner/accused for the offence under Section 138 of N.I.Act, by setting aside the acquittal judgment dated 17.09.2014 in C.C.No.64 of 2013 passed by VII Special Magistrate, Kukatpally at Miyapur.

3) When the matter was taken up for hearing both the parties filed joint compromise memo submitting that both the parties have settled their disputes out of the Court and they propose to compound the case and therefore, the *de facto* complainant has no objection to allow the Criminal Revision Case and set aside the conviction and sentence passed by the III Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar in CrI.A.No.824 of 2014 against the accused.

4) On enquiry both the parties have confirmed the contents in joint memo filed by them to compound the case. The revision petitioner informed this Court that previously he was doing the business of digging bore-wells to the customers and now he sustained heavy loss in that business and unable to meet his both ends together and therefore, he prayed to reduce the cost to be imposed for compromise.

5) Sofaras the compliance of the guidelines in the decisions in *Damodar S. Prabhu v. Sayed Babala*¹ and *R. Vijayan v. Baby*² are concerned, having regard to the clarification given in the subsequent decision reported in *Madhya Pradesh State Legal Services Authority, vs. Prateek Jain and another*³, stating that if there is a special/specific reason to deviate from the guidelines given in *Damodar S. Prabhu* (1 supra), the Court is not remediless as *Damodar S. Prabhu* (1 supra) itself has given discretion to the concerned Court to reduce the costs with regard to specific facts and circumstances of the case, this Court taking into consideration the financial status as narrated by his counsel, directed the petitioner/accused to deposit 10% of the cheque amount instead of 15% as directed in *Damodar S. Prabhu* (1 supra). Accordingly, learned counsel for petitioner submitted that petitioner/accused paid a sum of Rs.1,00,000/- (10% of the cheque amount) to the High Court Legal Services Committee, Hyderabad, by way of Demand Draft bearing No.236353 drawn in favour of the Secretary,

¹ (2010) 5 SCC 663

² (2012) 1 SCC 260

³ (2014) 10 SCC 690

High Court Legal Services Committee vide Receipt No.966 dated 22.03.2018.

6) In that view of the matter, I.A.No.3 of 2018 is allowed and the petitioner/accused and 1st respondent/complainant are permitted to compound the offence. Consequently, the Criminal Revision Case is allowed by setting aside the conviction and sentence passed by the learned III Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar in CrI.A.No.824 of 2014 and the petitioner/accused is acquitted of the offence for which he was found guilty. His bail bonds shall stand cancelled. The Joint Memo filed by the parties shall form part of this order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 22.03.2018
scs

U.DURGA PRASAD RAO, J