

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

I.A.NO.3 OF 2018

IN/AND

CRIMINAL REVISION CASE No.1342 of 2018

ORDER:

The present Criminal Revision Case is filed challenging the judgment dated 09.02.2018 passed in CrI.A.No.289 of 2015 on the file of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam, confirming the judgment dated 04.09.2015 in C.C.No.179 of 2015 on the file of the Special Magistrate-III, Visakhapatnam, convicting the petitioner herein for the offence under Section 138 of Negotiable Instruments Act and sentencing him to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for six months.

Heard the learned counsel for the petitioner as well as the first respondent.

The learned counsel for the petitioner submitted that during the pendency of the revision, at the intervention of the well-wishers of both the parties, the dispute is settled outside the Court and the petitioner herein has already paid the amounts to the de facto complainant-respondent No.1 herein and in lieu thereof, the respondent No.1 consented to withdraw the case pending against the petitioner. Accordingly, an application in I.A.No.3 of 2018 is filed by the de facto complainant-respondent No.1 seeking permission of this Court to record the compromise entered into by the parties and to compound the offence under Section 138 of Negotiable Instruments Act and to set aside the conviction and sentence imposed against the accused. To that effect, both the parties as well as their counsel have signed on the joint memo

annexed to I.A.No.3 of 2018. The parties, who are present in the Court, are identified by one another and also by their respective counsel. Photocopies of identity proof of the parties are filed and they are made part of the record.

In the light of the joint memo of compromise filed by the parties, I.A.No.3 of 2018 is ordered and the compromise is recorded. Consequent thereto, the Criminal Revision Case is allowed in terms of the joint memo filed by the parties setting aside the judgment dated 09.02.2018 passed in CrI.A.No.289 of 2015 on the file of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam, confirming the judgment dated 04.09.2015 in C.C.No.179 of 2015 on the file of the Special Magistrate-III, Visakhapatnam. It is brought to the notice of this Court that at the time of filing of the appeal, the petitioner herein was directed to deposit a sum of Rs.20,000/- to the credit of C.C.No.179 of 2015 and now, the learned counsel for the petitioner requested this Court to issue a direction to withdraw the said amount. Accordingly, the petitioner herein is permitted to withdraw the said amount.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

17th JULY 2018.
Tsr