

HON'BLE SRI JUSTICE P. KESHA RAO

I.A.No.2 of 2018

AND

CRIMINAL REVISION CASE No.1444 of 2010

COMMON ORDER:

I.A.No.2 of 2018 is filed by the 2nd respondent in the revision case to compound the offence and allow the criminal revision case and pass appropriate orders.

The facts in brief are that the 2nd respondent in the revision case filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act before the V Additional Junior Civil Judge, Guntur, vide C.C.No.70 of 2009. After trial, the petitioner was convicted for the above said offence and directed to undergo rigorous imprisonment for a period of six months. Aggrieved by the said orders, the petitioner filed Crl.A.No.76 of 2010 on the file of the I Additional District Judge, Guntur. After hearing, the said appeal was also dismissed confirming the orders passed in C.C.No.70 of 2009. Against the said confirmation of the orders, the present revision case is filed.

During the pendency of the present revision case, the petitioner as well as the 2nd respondent have compromised the matter, whereunder the petitioner has paid the subject cheque amount to the 2nd respondent. In those circumstances, the 2nd respondent is not interested to prosecute the case further. Therefore, he filed I.A.No.2 of 2018 seeking permission of this Court to compound the offence and allow the revision case.

Both the parties present and are identified by their respective counsel.

Having regard to the said facts and in the light of the averments made in the application, I.A.No.2 of 2018 is ordered.

Learned counsel appearing for the petitioner would submit that the petitioner is a widow. With great difficulty, she mobilized the required funds and paid the amount to the 2nd respondent. In these circumstances, the petitioner is not in a position to pay the 10% of the amount as directed by the Apex Court to the Legal Services Authority. He also brought to the notice of this Court that since she was not in a position to pay the cheque amount and to mobilize the funds, she underwent civil imprisonment for a period of 40 days after passing of the judgment by the lower appellate Court. Therefore, learned counsel requests this Court to dispense with the payment of 10% of the amount.

Having regard to the said submissions and looking at the peculiar facts and circumstances of the case, particularly, the petitioner being a widow, the condition of payment of 10% of the amount is dispensed with.

In the light of the orders passed in I.A.No.2 of 2018, the criminal revision case is allowed, setting aside the judgment passed in CrI.A.No.76 of 2010 dated 01.07.2010 on the file of the I Additional District Judge, Guntur, confirming the judgment in C.C.No.70 of 2009 dated 27.01.2010 on the file of the V Additional Junior Civil Judge, Guntur, and the accused is acquitted of the

offence punishable under Section 138 of the Act. Bail bonds, if any, shall stand cancelled.

Miscellaneous petitions, if any, shall stand closed.

P. KESHA RAO, J

Date: 27.09.2018.
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