

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.NO.1 OF 2018 IN/AND CRIMINAL REVISION CASE NO.104 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., challenging the judgment, dated 07-01-2016 in CrI.A.No.146 of 2013, on the file of the III Addl. District and Sessions Judge, Ranga Reddy District, wherein and whereby the judgment, dated 25-02-2013 in C.C.No.89 of 2013 passed by the VI Special Magistrate at Hasthinapuram, R.R.District, in convicting the accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') and sentencing him to undergo simple imprisonment for a period of one year and also to pay a fine of Rs.50,00,000/-, in default to undergo simple imprisonment for a period of three months, were confirmed.

2. I.A.No.1 of 2018 is filed by the complainant seeking permission to compromise the offence punishable under Section 138 of the Act.

3. The affidavit filed by the petitioner-complainant reveals that he filed a suit for recovery of money vide O.S.No.1069 of 2013 on the file of the XIV Addl. District Judge, Ranga Reddy District at L.B. Nagar. During the pendency of suit, the parties agreed to settle the matter. He further states that the dispute between him and the accused is completely settled and he has no objection for allowing the present Criminal Revision Case and he has also no objection for the accused to withdraw a sum of Rs.75,000/- which was deposited in C.C.No.89 of 2013 on the file of the VI Special Magistrate at Hasthinapuram, R.R.District.

4. Mr.Venkata Ratnam, learned counsel for the revision petitioner and Mr.M.Ramakrishna, learned counsel for the 1st respondent and both parties are present before the

Court. Both parties agreed for the terms of compromise and they also filed joint memo to that effect.

5. In view of provision under Section 147 of the Act, the parties can compromise any of the offence under the Act. In view of the said provision and in the light of the joint memo filed by both parties and agreed for settlement before this Court, the compromise is recorded.

6. Having regard to the facts and circumstances of the case and also the factum of settlement arrived at between the parties and since the offence punishable under Section 138 of the Act is compoundable in nature, there is no impediment to set aside the conviction and sentence recorded against the accused.

7. Accordingly, I.A.No.1 of 2018 is ordered. Consequently, the Criminal Revision Case is allowed, setting aside the conviction and sentence recorded against the petitioner-accused by the VI Special Magistrate, Hasthinapuram, R.R. District, vide judgment, dated 25.02.2013 in C.C.No.89 of 2013 and as confirmed by the learned III Addl. District and Sessions Judge, Ranga Reddy District, vide judgment, dated 07.01.2016 in CrI.A.No.146 of 2013. The accused is acquitted of the offence punishable under Section 138 of the Act. The bail bonds of the accused shall stand cancelled. Miscellaneous petitions, if any pending in the Criminal Revision Case, shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 06-11-2018

Hsd