

HON'BLE SRI JUSTICE P. KESHA RAO

I.A.No.4 of 2018

AND

CRIMINAL REVISION CASE No.2032 of 2018

COMMON ORDER:

Heard the learned counsel for the petitioner and the 1st respondent/de facto complainant.

The present revision case is filed questioning the judgment passed in CrI.A.No.655 of 2014 dated 06.04.2016 on the file of the IV Additional Metropolitan Sessions Judge at L.B. Nagar, Ranga Reddy District, confirming the orders passed in C.C.No.44 of 2014 dated 08.08.2014 on the file of the VI Special Magistrate, Kukatpally at Miyapur.

The facts in brief are that the petitioner herein has been convicted for the offence under Section 138 of the Negotiable Instruments Act (for short, "the Act"). The 1st respondent herein filed C.C.No.44 of 2014 against the petitioner for the offence under Section 138 of the Act. On trial, he was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay compensation of Rs.1,50,000/- together with interest @ 9% per annum from the date of cheque till the judgment. In default, to suffer simple imprisonment for a period of two months. The said compensation was directed to be paid within two months from the date of the judgment. Aggrieved by the same, the petitioner filed CrI.A.No.655 of 2014 on the file of the IV Additional Metropolitan Sessions Judge at L.B. Nagar, Ranga

Reddy District. By judgment dated 06.04.2016, the lower appellate Court dismissed the appeal confirming the judgment and sentence of imprisonment passed by the lower Court. Aggrieved by the said judgment, the present revision case is filed.

During the pendency of the present revision case, the 1st respondent/complainant filed I.A.No.4 of 2018 to compound the offence under Section 138 of the Act against the petitioner.

Both the parties present and are identified by their respective counsel. They produced the Xerox copies of the Aadhaar cards and the same are made as part of the record.

In the affidavit filed in support of I.A.No.4 of 2018, the 1st respondent stated that on the intervention of the well-wishers, friends and relatives of both the parties, the matter has been settled out of Court by entering into a memorandum of compromise deed on 05.07.2018 and towards full and final settlement an amount of Rs.75,000/-, including compensation awarded by the trial Court, was paid to him. Therefore, he is not interested to prosecute the matter.

Having regard to the facts and circumstances of the case and in view of the affidavit filed by the de facto complainant/1st respondent and the joint memo of compromise filed by both the parties, I.A.No.4 of 2018 is allowed.

Consequently, the criminal revision case is allowed. The conviction and sentence recorded against the petitioner/accused by the VI Special Magistrate, Kukatpally at Miyapur, Ranga Reddy District, in C.C.No.44 of 2014 dated 08.08.2014, as confirmed by the IV Additional Metropolitan Sessions Judge at L.B. Nagar, Ranga Reddy District, in CrI.A.No.655 of 2014 dated 06.04.2016 are set aside and the petitioner/accused is acquitted of the offence punishable under Section 138 of the Act.

Miscellaneous petitions, if any, shall stand closed.

Date: 07.08.2018.
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P. KESHA RAO, J

