

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.2598 OF 2018

ORDER:

This revision is arising out of judgment, dated 24.07.2018 passed in CrI.A.No.239 of 2017 by the XV Addl. District and Sessions Judge, Nuzvid, whereunder and whereby the sentence of imprisonment of S.I. for two years imposed against the petitioner-accused for the offence punishable under Section 138 of the Negotiable Instruments Act, vide judgment, dated 17.07.2017 in C.C.No.343 of 2014 by the Judl. I Class Magistrate, Mylavaram, was reduced to SI. for 6 months.

2. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3. The petitioner and the 1st respondent filed joint memo seeking permission to compound the offence punishable under Section 138 of the N.I. Act and set aside the judgment in C.C.No.343 of 2014 on the file of Judl. Magistrate of I Class, Mylavaram and consequently, the proceedings in the appeal modifying the sentence imposed by trial Court.

4. The petitioner is the accused, whereas the 1st respondent is the complainant. Both the petitioner and the 1st respondent present before this Court along with their counsels. The 1st respondent-complainant stated that she has received Rs.2,00,000/- towards full and final settlement in terms of the compromise entered into between the parties. The said compromise is recorded. 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.

5. Having regard to the facts and circumstances of the case and also the factum of settlement arrived at between the parties, I am of the considered view that it is a fit case to allow the Criminal Revision Case.

6. Accordingly, the Criminal Revision Case is allowed setting aside the conviction and sentence recorded against the petitioner-accused by the Judl. Magistrate of I Class, Mylavaram, vide judgment, dated 17.07.2017 in C.C.No.343 of 2014 and as modified by the XV Addl. District and Sessions Judge, Nuzvid, by judgment, dated 24-07-2018 in CrI.A.No.239 of 2017. 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: 30-10-2018

Hsd