

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD
I.A.NOS.4 AND 5 OF 2018 IN/AND CRIMINAL REVISION CASE
No.2637 of 2018

COMMON ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., challenging the judgment, dated 04-09-2018 passed in CrI.A.No.429 of 2015, by the XIII Addl. District and Sessions Judge, Narasaraopet, wherein and whereby the judgment, dated 05-08-2015 in C.C.No.258 of 2013 passed by the I Addl. Junior Civil Judge, Narasaraopet, in convicting the accused for the offence punishable under Section 138 r/w 142 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.2,000/-, in default to undergo simple imprisonment for a period of two months, were confirmed.

2. I.A.No. 4 of 2018 is filed to permit the petitioner/complainant to compromise the matter with the 1st respondent/accused.

3. The petitioner/complainant also filed affidavit in I.A.No.5 of 2018 along with the joint memo seeking permission to compound the offence and set aside the conviction and sentence recorded against the accused.

4. Learned counsel for the petitioner and the 1st respondent and both parties are present.

5. In view of submissions made by the learned counsel for the petitioner and the learned counsel for the 1st respondent and both parties agreed for compounding the offence and in view of provision under Section 147 of

the Act that the parties can compromise any of the offence under the Act, 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.Nos.4 and 5 of 2018 are ordered. Consequently, the Criminal Revision Case is allowed, setting aside the conviction and sentence recorded against the petitioner-accused by the I Addl. Junior Civil Judge, Narasaraopet, vide judgment, dated 05.08.2015 in C.C.No.258 of 2013 for the offence punishable under Section 138 r/w 142 of the Act and as confirmed by the learned XIII Addl. District and Sessions Judge, Narasaraopet, vide judgment, dated 04.09.2018 in CrI.A.No.429 of 2015. 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: 22-11-2018

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