

HON' BLE SRI JUSTICE G.SHYAM PRASAD

I.A.No. 2 of 2018 in CrI.R.C.No. 2814 of 2018

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JUDGMENT:-

This Criminal Revision Case arises out of the judgment dated 03.04.2017 in CrI.A.No. 86 of 2016 delivered by VII Additional District and Sessions Judge, Vijayawada, whereby the learned Judge, while dismissing the appeal, confirmed the judgment dated 09.03.2016 delivered in C.C.No. 188 of 2015. The trial Court convicted appellant for the offence punishable under Section 138 of the Negotiable Instrument Act and sentenced to suffer Simple Imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to suffer Simple Imprisonment for three months.

Heard the learned counsel for the appellant and the learned Additional Public Prosecutor appearing on behalf of the 2nd respondent-State and perused the material placed on record.

During pendency of the Criminal Revision Case, the appellant and the 1st respondent - complainant have entered into compromise, by virtue of which, the appellant paid an amount of Rs.2.00 lakhs (Rupees Two Lakhs Only) to the complainant towards full and final settlement, as such, he has filed the present application i.e. I.A.No. 2 of 2018 seeking to

compound the offence. The appellant and the 1st respondent along with their respective counsel are present before this Court. The 1st respondent has informed that he has received a sum of Rs.2.00 lakhs from the appellant towards full and final settlement of his claim and agreed for compounding the offence. Section 147 of the Negotiable Instruments Act, 1981, envisages that notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be compoundable.

In view of the Memorandum of Compromise entered into between the appellant and the 1st respondent, the offence under Section 138 of Negotiable Instruments Act is compounded by virtue of the provision contemplated under Section 147 of the N.I. Act. Hence, the conviction and sentence imposed by the trial Court, and as confirmed by the lower appellate Court, are hereby set aside, and consequently, the appellant is acquitted of the charged offence.

Accordingly, I.A.No. 2 of 2018 is allowed. Consequently, CrI.R.C.No.2814 of 2018 is allowed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G.SHYAM PRASAD,J

30.10.2018
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