

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.No. 3 of 2018 in CrI.R.C. No. 3087 of 2018

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CrI.R.C. No. 3087 of 2018

ORDER:-

This Criminal Revision Case arises out of the judgment dated 07.03.2018 in CrI.A.No. 981 of 2014 passed by the Special Judge for Trial of Offences Under SCs. & S.Ts.(POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad.

The trial Court, vide judgment dated 22.09.2014 in C.C.No. 331 of 2013 on the file of XI Special Magistrate, Secunderabad, convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo rigorous imprisonment for a period of six months and to pay compensation of Rs.1,00,000/- to the *de facto* complainant. The lower appellate Court, vide judgment dated 07.03.2018 in CrI.A.No. 981 of 2014, while confirming the conviction imposed against the petitioner, modified the sentence of rigorous imprisonment of six months and compensation of Rs.1,00,000/-, into the fine of Rs.1,00,000/- and in default of payment of fine, to suffer simple imprisonment for a period of six months.

The learned counsel for both the revision petitioner and the 2nd respondent-*de facto* complainant, have submitted that the matter is compromised between the parties.

The *de facto* complainant is present before this Court and stated that he received the compensation amount from the accused and has filed I.A.No. 3 of 2018 under Section 147 Cr.P.C. to record terms of compromise effected between him and the accused and prays to release the petitioner from jail. Moreover, the petitioner and the 2nd respondent-*de facto* complainant have filed a joint Memo stating that the matter is compromised and requested to compound the offence.

As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under this Act shall be compoundable.

In view of the submissions of the learned counsel for both the parties and the Joint Memo filed by the complainant and the accused, the Joint Memo is taken on record, and the offence punishable under Section 138 of Negotiable Instruments Act against the accused is compounded.

Hence, I.A.No. 3 of 2018 is allowed and by virtue of the provisions contemplated under Section 482 Cr.P.C., the judgments of the trial Court in C.C.No. 205 of 2014 and the lower appellate Court in CrI.A.No. 981 of 2018, are hereby quashed and the accused is acquitted for the offence

punishable under Section 138 of Negotiable Instruments Act and he shall be set at liberty forthwith if he is not required in any other case.

Criminal Revision Case is disposed of accordingly.

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

GUDISEVA SHYAM PRASAD, J

16.11.2018

bcj

