

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRI.R.C No.38 of 2019

ORDER:

Pending Revision maintained by the accused who is stated in jail and his wife by name Nagamani present, the complainant/respondent No.1 by name Smt Kamala Kiran also present.

In the present Revision No.38 of 2019 against the concurrent findings of the trial Court conviction judgment in CC.No.487 of 2013 sentencing to undergo one year rigorous imprisonment with a direction to pay Rs.1,60,000/- as compensation with default sentence of six months confirmed by the lower appellate Court. The complainant and the wife of the accused stated that there was a compromise arrived through elders and the amount as per the settlement satisfied through elders and thereby the offence may be permitted to be compounded by invoking Section 144 of Negotiable Instruments Act. As costs are to be imposed in permitting to compound the offence, as per the expression of the Apex Court, so far as imposition of costs is concerned, generally 10% of the cheque amount which comes to Rs.16,000/-. However, it is submission that accused is not in a position to pay and he is in jail and he is also suffering from chronic ill health thereby to show mercy taking into consideration the peculiar circumstances of the case, Rs.8,000/- payable to Army Welfare Fund imposed.

Since paid proof filed, the offence is compounded. Consequently, Revision allowed setting aside the conviction judgment of the trial Court confirmed by the lower appellate

Court by acquitting the accused and bail bonds cancelled and he shall be released from the jail forthwith by virtue of this order.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt. 28.03.2019
dv



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CR1.R.C. No.3104 of 2018

Date: 27.03.2019