

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

I.A.No.4 of 2019

IN/AND

CRIMINAL REVISION CASE No.164 OF 2019

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed aggrieved by the Judgment, dated 18.09.2018, in Criminal Appeal No.61 of 2014 on the file of III Additional Sessions Judge, Karimnagar, whereunder and whereby, the learned Sessions Judge confirmed the Judgment, dated 25.04.2014, in Calendar Case No.400 of 2010 on the file of Special Judicial Magistrate of First Class for Excise, Karimnagar, in convicting the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') and sentencing him to undergo simple imprisonment for a period of six months and to pay fine of Rs.2,50,000/-, in default, to suffer imprisonment for a period of one month.

2. Heard Sri K.Pradeep Reddy, learned counsel for the petitioner/accused, learned Additional Public Prosecutor appearing for the 1st respondent-State and Sri Muppu Ravinder Reddy, learned counsel for respondents 3 and 4. Perused the record.

3. I.A.No.4 of 2019 is filed to record compromise by setting aside the judgment, dated 18.09.2018, in CrI.A.No.61 of 2014 on the file of III Additional Sessions Judge, Karimnagar, confirming the Judgment, dated 25.04.2014, in C.C.No.400 of 2010 on the file of Special Judicial Magistrate of First Class for Excise, Karimnagar. Today, respondents 3 and 4 are present in-person

before this Court. The revision petitioner/accused as well as respondent Nos. 3 and 4 filed joint memo stating that respondents 3 and 4 have compromised the matter with the revision petitioner/accused and they are not intending to proceed with the matter and they wanted to record compromise and acquit the revision petitioner/accused for the aforesaid offence.

4. Under these circumstances, it is pertinent to refer to Section 147 of the Act, which reads as follows:

“Section 147: Offences to be compoundable -
Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable”.

In view of the mandate given under Section 147 of the Act, the offences under the Negotiable Instruments Act are compoundable. Under these circumstances, both parties are permitted to compound the offence punishable under section 138 of the Act and the conviction and sentence recorded against the revision petitioner/accused vide judgment, dated 25.04.2014, in C.C.No.400 of 2010 on the file of Special Judicial Magistrate of First Class for Excise, Karimnagar, as confirmed by judgment, dated 18.09.2018, in CrI.A.No.61 of 2014 on the file of III Additional Sessions Judge, Karimnagar, is liable to be set aside.

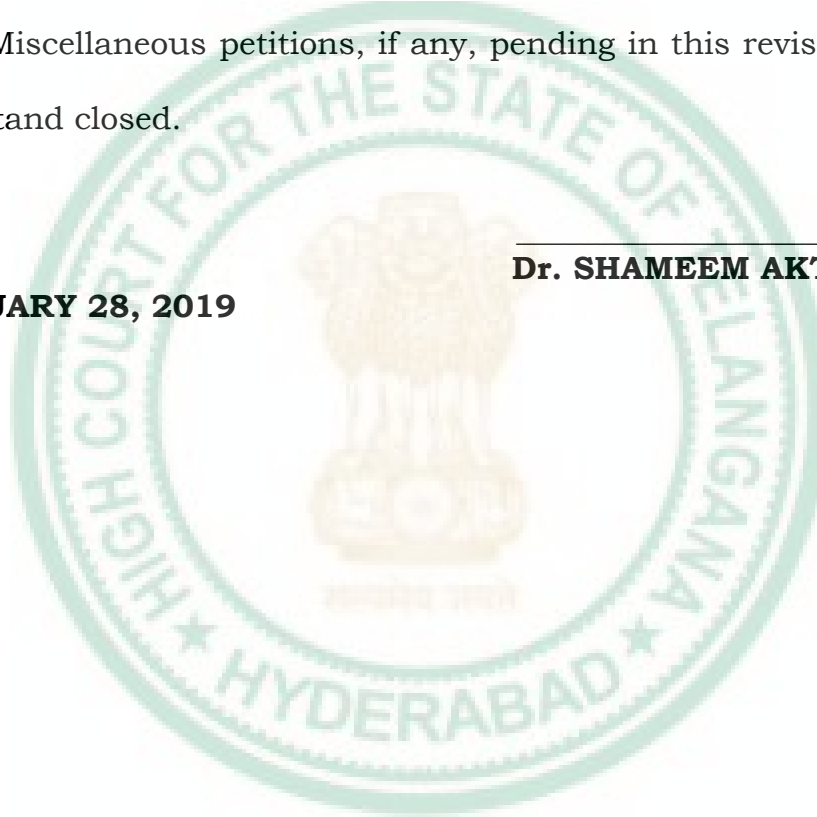
5. In view of the compromise arrived at by both the parties, I.A.No.4 of 2019 is allowed. Consequently, the Criminal Revision Case is allowed and the conviction and sentence recorded against the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, vide judgment, dated

25.04.2014, in Calendar Case No.400 of 2010 on the file of Special Judicial Magistrate of First Class for Excise Cases, Karimnagar, as confirmed by judgment, dated 18.09.2018, in Criminal Appeal No.61 of 2014 on the file of III Additional Sessions Judge, Karimnagar, is set aside and the revision petitioner/accused is acquitted for the said offence. The revision petitioner/accused shall be set at liberty forthwith, if he is not required in any other case. The bail bonds, if any, shall stand cancelled.

Miscellaneous petitions, if any, pending in this revision case shall stand closed.

FEBRUARY 28, 2019
YVL

Dr. SHAMEEM AKTHER, J



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Date:28.02.2019

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