

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOs.2 OF 2019 IN
CRIMINAL REVISION CASE No.485 of 2019
AND
CRIMINAL REVISION CASE No.485 of 2019

COMMON ORDER:

By way of this revision filed under Sections 397 and 401 CrPC, the petitioner seeks to assail her conviction and sentencing by the learned VII Special Magistrate, Hyderabad, in C.C.No.97 of 2013 (old C.C.No.606 of 2013 on the file of the learned XVII Additional Chief Metropolitan Magistrate, Hyderabad), which was confirmed in appeal, in CrI.A.No.401 of 2015, by the learned V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad.

The petitioner was convicted of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to undergo rigorous imprisonment for six months apart from paying a fine of Rs.1,25,000/- and in default, she was sentenced to undergo simple imprisonment for a period of three months. Out of the fine amount, a sum of Rs.1,00,000/- was awarded as compensation to the second respondent-complainant under Section 357(1)(b) CrPC. The conviction and sentence visited upon the petitioner were confirmed by the appellate Court. Aggrieved thereby, she filed the present revision.

While so, it appears that the petitioner and the second respondent-complainant have worked out their differences and in consequence, the second respondent-complainant filed I.A.No.2 of 2019 to permit compounding of the offence and to set aside the conviction and sentence imposed upon the petitioner by the Court below. In the affidavit filed in support of this I.A., the second respondent-complainant stated that the fine amount has already been deposited by the petitioner and out of the

same, he would be entitled to a sum of Rs.1,00,000/-. Sri Kondaparthi Srinivasa, learned counsel for the second respondent-complainant, states that a cheque petition has been filed before the trial Court for realizing the compensation amount awarded to his client.

The petitioner and the second respondent-complainant are present in person and produced their Aadhaar Cards in proof of their identity. The second respondent-complainant states that he has no objection to the compromise being recorded and the offence being compounded at this stage.

As an offence under Section 138 of the Negotiable Instruments Act, 1881, is essentially a private one, relatable to the parties, and has no adverse impact on public interest, it has been made compoundable under Section 147 thereof. Further, wastage of valuable curial hours would be avoided by allowing the settlement and compromise by and between the parties to be given effect to. This view gains support from the observations made by the Supreme Court in *GLAN SINGH V/ s. STATE OF PUNJAB*¹ in para 61.

In that view of the matter, I.A.No.2 is ordered and in consequence, CrI.R.C.No.485 of 2019 is allowed setting aside the judgment in C.C.No.97 of 2013 on the file of the learned VII Special Magistrate, Hyderabad (old C.C.No.606 of 2013 on the file of the learned XVII Additional Chief Metropolitan Magistrate, Hyderabad), and the judgment in CrI.A.No.401 of 2015 on the file of the learned V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad, confirming the same.

Out of the remaining Rs.25,000/- of the fine amount, a sum of Rs.15,000/- shall be refunded to the petitioner and Rs.10,000/- shall be

¹ (2012) 10 SCC 303 : (2013) 1 SCC (Cri) 160

transferred by the learned VII Special Magistrate, Hyderabad, to the Telangana State Legal Services Authority, in terms of the law laid down by the Supreme Court in DAMODAR S PRABHU V/ s. SAYED BABALAL H² and MADHYA PRADESH STATE LEGAL SERVICES AUTHORITY V/ s. PRATEEK JAIN³.

JUSTICE SANJAY KUMAR

Date: 26.04.2019

Note: A copy of this order shall be marked to the TSLSA, Hyderabad, for necessary follow-up.

(B/O) PGS



² (2010) 5 SCC 663

³ (2014) 10 SCC 690