

HONOURABLE JUSTICE G. SRI DEVI

I.A.No.3 of 2019
In/and
CRIMINAL APPEAL No.180 OF 2017

JUDGMENT:

1) The appellant, who is the accused in C.C.No.149 of 2013 (old C.C.No.110 of 2013) on the file of the Special Metropolitan Magistrate, Cyberabad at Hayathnagar, filed this Criminal Appeal under Section 374 (2) of Cr.P.C. challenging the conviction and sentence imposed against him for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881.

2) A complaint came to be filed by the second respondent against the appellant/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By a judgment dated 29.09.2014, learned Special Metropolitan Magistrate, Cyberabad at Hayathnagar, acquitted the accused for the said offence. Aggrieved by the same, the complainant/second respondent filed CrI.A.No.880 of 2014, before the V Additional Metropolitan Sessions Judge, Panga Reddy District at L.B.Nagar, Hyderabad. Vide judgment dated 05.01.2017, the learned Sessions Judge, convicted the accused and imposed fine of Rs.20,00,000/- towards compensation, in default simple imprisonment for six months. Challenging the same, the present appeal came to be filed.

3) During pendency of the Criminal Appeal, I.A.No.3 of 2019 came to be filed by the second respondent to record the compromise. The joint memo filed by the complainant/second respondent and the accused represented by his wife, J.Swapna along with the said petition would

disclose that at the intervention of elders and well wishers, the parties have settled their disputes.

4) Today, the second respondent and the wife of the accused are present before this Court as the accused is languishing in jail and they also filed their proof of identification. When examined, both the parties have stated that at the instance of the elders, they have settled the matter out of the Court and the second respondent has no objection for setting aside the conviction and sentence imposed against the accused. The affidavits filed by both the parties along with the Joint Memo also indicate the same.

5) In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and I.A.No.3 of 2019 is ordered.

6) In the result, the Criminal Appeal is allowed in terms of compromise. The conviction and sentence recorded against the appellant/ accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in CrI.A.No.880 of 2014 on the file of the V Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, are set aside and accordingly, he is acquitted for the said offence. Consequently, the appellant/ accused shall be set at liberty forthwith, if he is not required in any other case or crime. However, the appellant is directed to deposit an amount of Rs.5,000/- before the High Court Legal Services Committee, Hyderabad.

7) Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE G. SRI DEVI

17.06.2019
gkv

HONOURABLE JUSTICE G. SRI DEVI

I.A.No.3 of 2019
In/and
CRIMINAL APPEAL No.180 OF 2017
Dated: 17.06.2019

gkv

