

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.No.3 of 2019
and
Crl.R.C.No.664 of 2019

COMMON ORDER

The criminal revision case is filed under Section 397 read with Section 401 Cr.P.C., seeking to set aside the judgment dated 20.05.2019 in Crl.A.No.959 of 2016 on the file of the Additional Metropolitan Sessions Judge for Trial of Communal Offence Cases-cum-VII Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment dated 07.10.2016 in C.C.No.374 of 2015 on the file of the XVIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. The petitioners/A1 to A3 were convicted for the offence punishable 138 of Negotiable Instruments Act, 1881 (for short 'the Act') and sentenced to suffer simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- each, in default A2 and A3 shall suffer simple imprisonment for one month and that since A1 is company, the fine amount shall be paid by its Managing Partner-A2; and further directed A2 and A3 to pay a sum of Rs.1,15,688/- to the complainant towards compensation vide judgment dated 07.10.2016 in C.C.No.374 of 2015, and the same was confirmed by the appellate Court vide judgment dated 20.05.2019 in Crl.A.No.959 of 2016.

3. During pendency of revision, I.A.No.3 of 2019 is filed under Section 147 of the Act read with Section 482 of Cr.P.C., by both parties seeking leave of this Court to compound the offence and to record compromise as the matter was settled out of the Court and stated that A2 and A3 have paid an amount of Rs.1,15,688/- through demand draft to the

complainant, who in turn acknowledged the same stating that he received the amount towards full and final settlement of all claims and therefore, prayed to set aside the conviction and sentence imposed by the Courts below.

4. Today, when the matter came up for hearing, the first respondent/complainant represented by Managing Partner D. Manik Shankar and the 2nd and 3rd petitioners/A2 and A3 are present and they are identified by their respective counsel. When this Court enquired the parties, the de-facto complainant and the accused stated that they entered into compromise due to intervention of the elders.

5. In view of the compromise arrived at between the parties, it would be appropriate to grant leave to the parties to compound the offence and to set aside the conviction and sentence imposed against A2 and A3 by the Courts below.

6. In the result, I.A.No.3 of 2019 is ordered. Consequently, the Criminal Revision Case is allowed and the conviction and sentence imposed by the trial Court vide judgment dated 07.10.2016 passed in C.C.No.374 of 2015 on the file of XVIII Additional Chief Metropolitan Magistrate, Hyderabad, as confirmed by the appellate Court vide judgment dated 20.05.2019 in CrI.A.No.959 of 2016 on the file of Additional Metropolitan Sessions Judge for Trial of Communal Offence Cases-cum-VII Additional Metropolitan Sessions Judge, Hyderabad, are hereby set aside; and A2 and A3 are acquitted for the offence under Section 138 of the Act and their bail bonds shall stand cancelled. However, the parties are directed to deposit a sum

of Rs.5,000/- (Rupees five thousand only) before the High Court Legal Services Committee, Hyderabad, within two weeks from today.

7. Miscellaneous petitions, if any pending in the criminal revision case, shall stand closed.

G. SRI DEVI, J

20th September, 2019

sj

