

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.No.3 of 2019

in/and

CrI.R.C.No.723 of 2019

COMMON ORDER:

This Criminal Petition is filed under Sections 397 and 401 Cr.P.C. aggrieved by the judgment dated 04.7.2019 passed by the learned Principal Sessions Judge, Nalgonda, in CrI.A.No.129 of 2017, whereby and whereunder the judgment dated 03.7.2017, passed by the Judicial Magistrate of First Class (Prohibition and Excise Offences), Nalgonda, in C.C.No.45 of 2013, convicting the appellant/accused for the offence under Section 138 of the Negotiable Instruments Act (for short 'the Act') and sentencing him to undergo simple imprisonment for four months and also to pay compensation of Rs.5,50,000/- to the complainant/respondent No.1 was confirmed.

2. I.A.No.3 of 2019 is filed seeking to compound the offence under Section 138 of the Act for which the petitioner was convicted by the trial court, which was confirmed by the lower appellate Court. Along with this application, a joint memo supported by an affidavit of the de facto complainant is filed and the same are made part of the record. The said joint memo has been duly signed by the parties and their signatures are duly attested/verified by their respective counsel. It is stated in the affidavit that on the advise of the well wishers, both the parties entered into a compromise and the de facto complainant agreed to receive an amount of Rs.1,50,000/- (Rupees One lakh fifty thousand only) from the petitioner towards full and final settlement of the amount covered by the disputed cheque and the petitioner has already paid the said amount to the de facto complainant.

3. Today, when the matter came up for hearing, the petitioner and the de facto complainant are personally present before the Court and they are identified by their respective counsel. Both the parties also produced their respective photographs and photostat copies of their Aadhar cards.

4. In view of the settlement arrived at between the parties, I find that it is a fit case to grant leave to the parties to compound the aforesaid offence.

5. In the result, I.A.No.3 of 2019 is ordered. Consequently, the Criminal Petition is allowed and the judgment dated 03.7.2017, passed by the Judicial Magistrate of First Class (Prohibition and Excise Offences), Nalgonda, in C.C.No.45 of 2013 as confirmed by the judgment dated 04.7.2019 passed by the learned Principal Sessions Judge, Nalgonda, in CrI.A.No.129 of 2017, is hereby set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act. The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five thousand only) to the High Court Legal Services Committee and Rs.5,000/- (Rupees Five thousand only) to the Telangana High Court Advocates' Association within a period of one week from today.

6. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

JUSTICE G. SRI DEVI

21st December, 2019
dr