

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

I.A(SR). No.3466 of 2019

in/and

Criminal Revision Case No.1336 of 2018

ORDER :

The revision is maintained by the accused stated presently in jail impugning the concurrent findings in C.C.No.435 of 2013 of the Special Magistrate, Cyberabad at Kukatpally Court-1, vis-à-vis that of the Additional Metropolitan Sessions Judge, Cyberabad in CrI.A.No.636 of 2015, dt.26.02.2018 which is outcome of the private complaint taken cognizance for the offence punishable u/sec.138 of the Negotiable Instruments Act (for short, 'the NI Act'), in finding the petitioner guilty. It is pending the revision the accused/ revision petitioner appears to have been taken to custody. The 2nd respondent to the revision is the complainant filed compromise petition I.A.(SR) No.3466 of 2019 seeking to compound the offence by recording compromise in which the joint memo and the supporting affidavit are not signed by the accused but for by his wife as accused stated in jail.

The defacto-complainant submits that he already received the amount covered by the cheque through outside settlement and nothing more is due and the revision can be allowed by recording the compromise.

The leaned counsel for the accused vis-à-vis the wife of the accused are present and submits that as per the Apex Court guidelines they are ready to pay compensation.

Having regard to the above and by taking into consideration of the facts and the submission supra for the peculiar facts, though the accused is not a party to the compromise petition but for his wife in the supporting affidavit, the offence is compounded invoking section 147 of the N.I.Act and the Revision is allowed subject to payment of 10% of the two cheques of Rs.30,000/- out of Rs.2lakhs +Rs.1lakh=Rs.3lakhs to the Chief Justice Relief Fund.

The above compliance is made and proof is filed.

In the result, the I.A.(SR)No.3466 of 2019 is allowed. Consequently, the Criminal Revision Case is also allowed and the conviction and sentence recorded against the petitioner/accused-V.Ramakrishna Reddy in the judgment, dated 27.01.2014 in C.C.No.435 of 2013 on the file of the Spl. Magistrate, Cybeabad, Kukatpally Court-1, confirmed by the Judgment dt.26.02.2018 in CrI.A.No.636 of 2015 by the Addl.Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar, for the offence punishable under Section 138 of the Negotiable Instruments Act, are set aside. Consequently, the accused shall be set at liberty forthwith, if he is not required in any other case or crime and the fine amount, if any, paid by him shall be refunded to him.

Pending miscellaneous petitions, if any, shall stand closed.

Date:28.01.2019
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Dr. B.SIVA SANKARA RAO J,