THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NO.1 OF 2019 IN CRIMINAL REVISION CASE NO.1748 OF 2013 AND
CRIMINAL REVISION CASE NO.1748 OF 2013

COMMON ORDER

This Criminal Revision Case under Sections 397 and 401 CrPC was filed by the appellants in Criminal Appeal No.277 of 2012 on the file of the learned Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad, aggrieved by the judgment dated 22.08.2013 passed therein, confirming the conviction and sentence imposed upon them by the learned XVI Additional Judge, City Civil Court-cum-XX Additional Chief Metropolitan Magistrate, Hyderabad, in C.C.No.66 of 2011, *vide* judgment dated 12.03.2012. By the said judgment, the petitioners herein were found guilty of committing an offence under Section 138 of the Negotiable Instruments Act, 1881 (*for brevity*, 'the Act of 1881'). The first petitioner Trust/A1 was sentenced to pay a fine of Rs.10,000/- and in default thereof, the second petitioner/A2 was directed to suffer simple imprisonment for one month. The second and third petitioners, A2 and A3, were sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/- each and in default thereof, to suffer simple imprisonment for a period of one month each.

By order dated 23.08.2013, this Court granted interim suspension of the sentence of imprisonment imposed and directed release of the petitioners on bail on the same terms and conditions on which they were enlarged on bail pending the trial.

While so, it appears that the parties have compromised the matter inter se. In consequence, I.A.No.1 of 2019 was filed by the second respondent in this revision, the complainant, to record the compromise and permit compounding of the offence under Section 138 of the Act of 1881. The Joint Memo filed along with this I.A., which was signed by the second respondent/complainant and the petitioners along with their learned counsel, records that the sum of Rs.20,67,700/-, being the cheque amount, was paid by the petitioners to the second respondent/complainant. The payment was made in three instalments—a sum of Rs.2,00,000/- was paid in cash during the financial year 2017-18; a sum of Rs.1,97,700/- was paid in cash during the financial year 2018-19; and a sum of Rs.16,70,000/- was remitted by way of RTGS into the account of the second respondent/complainant on 07.03.2019. Having received the said amounts, the second respondent/complainant issued receipt dated 07.03.2019 stating that he had received the amount in full and final settlement of his account and the outstanding amount was nil.

Dilip Agarwal, the partner of the second respondent/complainant, is present in person and produced his Aadhaar card in proof of his identity. He states in open Court that he received the full amount of Rs.20,67,700/- and that he has no further grievance with the petitioners.

In the light of the aforestated developments and given the law laid down by the Supreme Court in GIAN SINGH V/s. STATE OF PUNJAB[1], this Court is of the opinion that no purpose would be served in adjudicating the Criminal Revision Case as the issue raised therein has now become merely academic.

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

I.A.No.1 of 2019 is accordingly ordered. In consequence, the Criminal Revision Case is allowed setting aside the judgment dated 12.03.2012 passed in C.C.No.66 of 2011 on the file of the learned XVI Additional Judge, City Civil Court-cum-XX Additional Chief Metropolitan Magistrate, Hyderabad, and the judgment dated 22.08.2013 passed in Criminal Appeal No.277 of 2012 on the file of the learned Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad. The offence under Section 138 of the Act of 1881 stands compounded in the light of the law laid down in GIAN SINGH.

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SANJAY KUMAR, J

23rd APRIL, 2019

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