

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.No.1 of 2019
and
Crl.R.C.No.3287 of 2018

COMMON ORDER

The criminal revision case is filed under Section 397 read with Section 401 Cr.P.C., against the judgment dated 09.05.2016 in Crl.A.No.916 of 2014 on the file of III Additional Metropolitan Sessions Judge, Hyderabad.

2. The petitioners/A1 and A2 were convicted for the offence punishable 138 of Negotiable Instruments Act, 1881 (for short 'the Act') and A2 was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3,000/- in default to suffer simple imprisonment for a period of one month and A1 was directed to pay a fine of Rs.3,000/- and since A1 is company represented by A2, A2 shall pay the said amount, in default, he shall undergo simple imprisonment for a period of one month vide judgment dated 08.09.2014 in C.C.No.59 of 2013 and the same was confirmed by the appellate Court vide judgment dated 09.05.2016 in Crl.A.No.916 of 2014.

3. During pendency of revision, I.A.No.1 of 2019 is filed under Section 147 of the Act read with Section 320 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 the petitioners/A1 and A2 have paid an amount of Rs.1,20,000/- towards the cheque amount and that in view of the compromise, they would maintain cordial business relations 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 2nd respondent/complainant represented by GPA and Authorized Signatory

Sri K. Markandeyulu and 2nd petitioner/A2 are present and they are identified by their respective counsel. When this Court enquired the parties, the de-facto complainant and A2 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 A1 and A2 by the Courts below.

6. In the result, I.A.No.1 of 2019 is ordered. Consequently, the Criminal Revision Case is allowed and the conviction and sentence imposed by the trial Court vide judgment dated 08.09.2014 in C.C.No.59 of 2013 on the file of III Special Magistrate, Hyderabad, as confirmed by the appellate Court vide judgment dated 09.05.2016 in CrI.A.No.916 of 2014 on the file of III Additional Metropolitan Sessions Judge, Hyderabad, are hereby set aside; and A1 and A2 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