

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.No.1 of 2019

In/and

CRIMINAL REVISION CASE No.3461 of 2018

ORDER:

The revision petitioners, who are accused Nos.1 and 2 in C.C.No.123 of 2016 on the file of XV Special Magistrate, Hyderabad, filed this Criminal Revision Case under Sections 397 and 401 Cr.P.C., challenging the conviction and sentence passed in the above C.C., for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'), which was confirmed in CrI.A.No.1076 of 2017 on the file of I Additional Metropolitan Sessions Judge, Hyderabad.

2. During pendency of the Criminal Revision Case, I.A.No.1 of 2019 came to be filed by the *de facto* complainant to compound the aforesaid offence. Along with the petition, a joint compromise memo came to be filed duly signed by both the parties, *inter alia* stating that at the intervention of elders and well wishers, the parties have settled their disputes and the revision petitioners have paid the cheque amount by virtue of settlement deed, dated 16.10.2019. It is further stated that pursuant to the said compromise memo, the first respondent does not want to proceed further with the case. The said joint memo has been supported by the affidavit of the first respondent.

3. Today, both the parties are present before this Court and they are identified by their respective counsel. This Court, when examined, both the parties have stated that at the instance of elders and well wishers, they have settled the matter out of the

Court and the first respondent has no objection for setting aside the conviction and sentence imposed against the petitioners/accused Nos.1 and 2.

4. In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and I.A.No.1 of 2019 is ordered and the settlement deed, dated 16.10.2019 shall form part of the record.

5. Accordingly, the Criminal Revision Case is allowed in terms of compromise, setting aside the judgment dated 07.09.217 passed in C.C.NO.123 of 2016 on the file of XV Special Magistrate, Hyderabad, as confirmed in CrI.A.No.1076 of 2017 on the file of the I Additional Metropolitan Sessions Judge, Hyderabad, and the petitioners/accused Nos.1 and 2 are acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. However, the petitioners are directed to deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) before the High Court Legal Services Committee, Hyderabad, within a period of two (2) weeks from today. As per the settlement deed, dated 16.10.2019, the 1st respondent is permitted to withdraw the amount deposited by the petitioners/accused Nos.1 and 2 before the lower Court.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE G. SRI DEVI

2nd November, 2019
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Dated: 02.11.2019

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