

HONOURABLE JUSTICE G. SRI DEVI

I.A.No.2 of 2020
In/and
CRIMINAL REVISION CASE No.297 of 2019

ORDER:

1) The revision petitioner, who is the accused in C.C.No.428 of 2015 on the file of the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Secunderabad, 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, which was confirmed by the learned Special Judge for Trial of Offences under S.Cs and S.Ts (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, by its judgment, dated 18.02.2019.

2) During pendency of the Criminal Revision, I.A.No.2 of 2020 came to be filed by the second respondent to record the compromise. Along with the petition, a joint memo which is signed by the parties and their counsel, photographs of the parties and Photostat copies of their Aadhar Cards came to be filed. It is stated in the affidavit that at the intervention of elders and well wishers, the parties have settled their disputes long back and the revision petitioner paid the compensation amount of Rs.5,00,000/- to the second respondent.

3) Today, both the parties are present before this Court and they were identified by their respective counsel. This Court, when examined, the second respondent/ complainant, submitted that out

of his own volition and without there being any pressure, he has entered into compromise and he has no objection in case the petitioner has been acquitted for the charge under Section 138 of the Negotiable Instruments Act, 1881.

4) In *Damodar S Prabhu v. Sayed Babalal (H)*¹ the Apex Court has categorically held that “while exercising power under Section 147 of the Negotiable Instruments Act, 1881, the Court can proceed with the compromise even after recording the conviction.”

5) In view of the aforesaid principles of law, and 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.2 of 2020 is ordered.

6) Accordingly, the Criminal Revision Case is allowed in terms of compromise, setting aside the judgments dated 24.10.2016 and 18.02.2019 passed in C.C.No.428 of 2015 on the file of the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Secunderabad and in CrI.A.No.987 of 2016 on the file of the Special Judge for Trial of Offences under S.Cs and S.Ts (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, respectively and the revision petitioner/ accused is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. However, the revision petitioner is directed to deposit an amount of Rs.5,000/- before the Telangana High Court Legal Services Committee, Hyderabad and

¹ (2010) 5 SCC 663

the second respondent is directed to deposit an amount of Rs.5,000/- before the Telangana High Court Bar Association, within a period of two weeks from today.

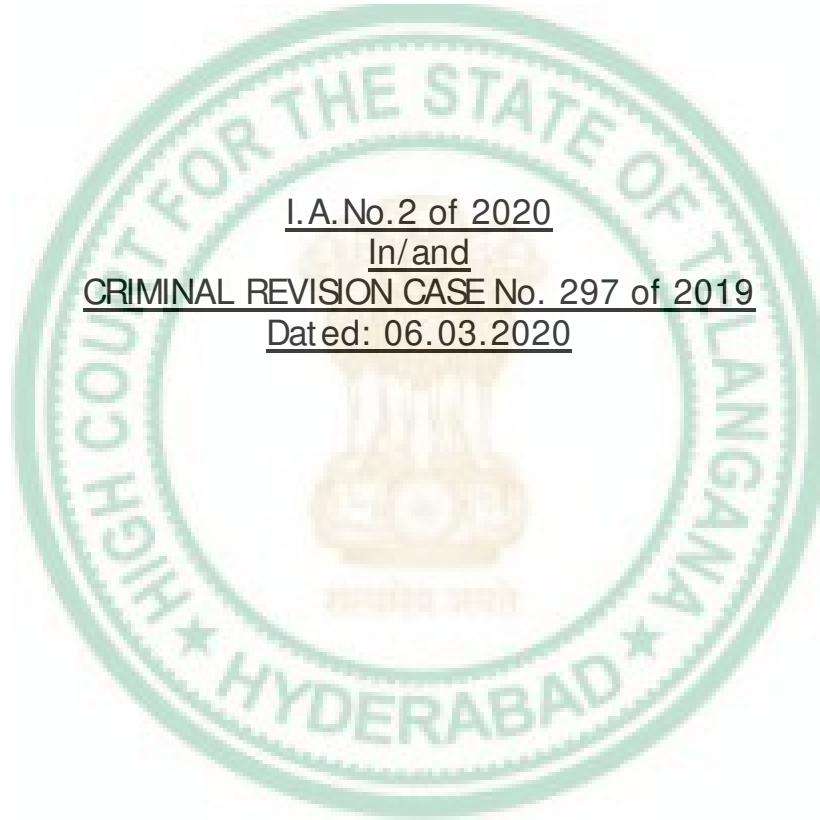
7) Miscellaneous petitions, if any, pending, shall stand closed.

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06.03.2020
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