

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.2 and 3 of 2019
and
Crl.R.C.No.1144 of 2019

COMMON ORDER

The criminal revision case is filed under Section 397 read with Section 401 Cr.P.C., against the judgment dated 01.10.2019 passed in Crl.A.No.105 of 2017 by the learned II Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment dated 12.01.2017 passed in C.C.No.146 of 2015 by the learned XVI Special Magistrate. Hyderabad.

2. The petitioner/accused was convicted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced to pay a fine of Rs.3,15,000/-, which is the cheque amount, and the same shall be paid as compensation to the 2nd respondent/complainant, within two months, in default to suffer simple imprisonment for six months vide judgment dated 12.01.2017 in C.C.No.146 of 2015, and the same was confirmed by the appellate Court vide judgment dated 01.10.2019 in Crl.A.No.105 of 2017.

3. During pendency of revision, I.A.Nos.2 and 3 of 2019 are filed 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 they filed a joint memo of compromise stating that petitioner/accused has paid a sum of Rs.3,15,000/- to the 2nd respondent/complainant towards full and final settlement of all the claims and the 2nd respondent/complainant has acknowledged receipt of the same vide receipt dated 10.01.2020 and prayed to set aside the conviction and sentence of fine imposed by the Courts below.

4. Today, when the matter came up for hearing, the 2nd respondent/complainant and the petitioner/accused are present and they are identified by their respective counsel. They filed xerox copies of their aadhar cards before the Court. When this Court enquired the parties, the complainant and the accused 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 by the Courts below against the petitioner/accused.

6. In the result, I.A.Nos.2 and 3 of 2019 are ordered. Consequently, the Criminal Revision Case is allowed and the conviction and sentence of fine imposed by the trial Court vide judgment dated 12.01.2017 passed in C.C.No.146 of 2015 by the learned XVI Special Magistrate, Hyderabad, as confirmed by the appellate Court vide judgment dated 01.10.2019 passed in CrI.A.No.105 of 2017 by the learned II Additional Metropolitan Sessions Judge, Hyderabad, are hereby set aside. However, the petitioner/accused and the 2nd respondent/complainant are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) before the High Court Legal Services Committee, Hyderabad, and also a sum of Rs.5,000/- (Rupees five thousand only) to the Bar Association, High Court for the State of Telangana, Hyderabad, within two weeks from today.

7. Miscellaneous petitions, if any pending in the criminal revision case, shall stand closed.

G. SRI DEVI, J

10th January, 2020.
sj