

HONOURABLE JUSTICE G. SRI DEVI

I.A.No. 2 of 2019

In/and

CRIMINAL REVISION CASE No.1373 of 2019

ORDER:

This Criminal Revision case is filed under Sections 397 (1) and 401 Cr.P.C. challenging the judgment, dated 30.09.2019 in Criminal Appeal No.147 of 2017 on the file of the Addl. Metropolitan Sessions Judge for Trial of Communal Offence cases-cum-VII Addl. Metropolitan Sessions Judge, Hyderabad, in confirming the judgment, dated 31.01.2017 in C.C.No.250 of 2014 on the file of the 1st Special Magistrate, Hyderabad, wherein the petitioner-accused was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo Simple Imprisonment for a period of one year and also to pay a fine of Rs.17,00,000/-, in default to suffer S.I. for three months.

2. During pendency of the Criminal Revision case, I.A.No.2 of 2019 came to be filed by the 1st respondent to compound the offence. Along with the petition, a joint memo came to be filed, *inter alia* stating that at the intervention of elders and well wishers, the parties have settled their disputes in terms of the compromise. The said joint memo has been supported by the affidavit of the 1st respondent. Further, the parties also filed Memorandum of

Understanding before this Court and by virtue of MOU between the parties, the complainant agreed to receive a sum of Rs.10 lakhs towards full and final settlement of the cheque amount. The complainant has received three different Demand Drafts i.e., 1) DD bearing No.029580, dated 03.12.2019 for Rs.4 lakhs drawn on Axis Bank, 2) DD bearing No.014315, dated 03.12.2019 for Rs.3 lakhs drawn on Axis Bank and 3) DD bearing No.918210, dated 04.12.2019 for Rs.3 lakhs drawn on State Bank of India,

3. Today, both parties are present before this Court and they are identified by their respective counsel. The parties have produced Aadhar Cards and photographs, which show their identity. This Court, when examined, both parties have stated that at the instance of the elders, they have settled the matter out of the Court amicably and the 1st respondent has no objection to allow the Criminal Revision Case.

4. In the light of the compromise arrived at between the parties, the petition filed by both the parties is recorded and I.A.No.2 of 2019 is ordered.

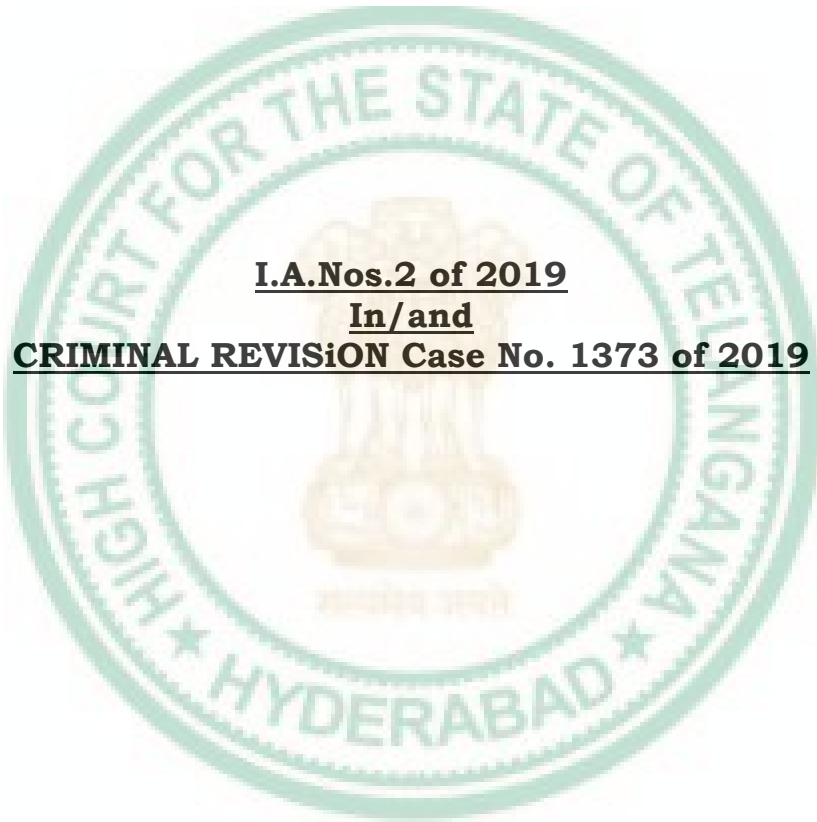
5. Accordingly, the Criminal Revision Case is allowed setting aside the conviction and sentence recorded against the petitioner-accused by the 1st Special Magistrate, Hyderabad, vide judgment, dated 31.01.2017 in C.C.

No.250 of 2014 for the offence punishable under Section 138 of the N.I. Act and as confirmed by the Addl. Metropolitan Sessions Judge for Trial of Communal Offence cases-cum-VII Addl. Metropolitan Sessions Judge, Hyderabad, vide judgment, dated 30.09.2019 in CrI.A.No.147 of 2017. The petitioner-accused is acquitted of the offence punishable under Section 138 of the N.I. Act. The bail bonds of the petitioner-accused, if any, shall stand cancelled. Both parties are directed to deposit a sum of Rs.15,000/- before the High Court Legal Services Committee, Hyderabad, and also a sum of Rs.15,000/- before the High Court Advocates Association, Hyderabad, within a period of one week from today. Miscellaneous petitions, if any pending shall stand closed.

DATED: 24.01.2020.
Hsd

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Dated: 24.01.2020

Hsd