IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

I.A.No.2 of 2020
IN/AND
CRIMINAL REVISION CASE No. 1488 of 2019

Criminal Revision case under Section 397 and 401 of Cr.P.C against the Judgment in Crl.A. No. 206 of 2016 on the file of the Court of the III Addl. Metropolitan Sessions Judge, Hyderabad Preferred against the order in C.C.No.84 of 2014 on the file of the Court of the XIV Special Magistrate, Hyderabad.

Between:

G.V. Subramanyam, S/o. G.N. Rao, Aged about 44 years, Occ: Business, R/o. Plot No. 125, Kakatiya Nagar, Neredment, Secunderabad.

...PETITIONER/APPELLANT/ACCUSED NO.3

AND

1. G. Badrinath, S/o. G.V. Chalapathy, Aged about 49 years, Occ: Business, R/o. 1-1-466, Flat No. 502, Surya Meridian, Gandhi Nagar, Hyderabad.

...RESPONDENT/RESPONDENT/COMPLAINANT

2. State of Telangana, Represented by the Public Prosecutor, High Court of Judicature at Hyderabad

...RESPONDENT

3. M/s. Divinit Beverages Pvt. Ltd., Rep. by its Director Mr. R.N.V. Venkatesh Babu, S/o. R.N. Murthy, Aged about 51 years, Occ: Business, R/o. 1-2-454/2/1, West Venkatapuram, Secunderabad.
4. R.N.V. Venkatesh Babu, S/o. R.N. Murthy, Aged about 51 years, Occ: Business, R/o. 1-2-454/2/1, West Venkatapuram, Secunderabad.

Respondents No.3 and 4 are not necessary parties to this Criminal Revision Petition.

...RESPONDENTS/ACCUSED No.1 & 2

IA NO: 1 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Revision case, the High Court may be pleased to extend the time for two weeks more for depositing an amount of 30% as per the orders dt. 06.01.2020 passed in I.A.No. 03 of 2019 in Crl.R.C.No. 1488 of 2019.

IA NO: 2 OF 2020

G. Badrinath, S/o. G.V. Chalapathy, Aged about 49 years, Occ: Business, R/o. 1-1-466, Flat No. 502, Surya Meridian, Gandhi Nagar, Hyderabad.

...PETITIONER/RESPONDENT NO.1

AND

1. G.V. Subramanyam, S/o. G.N. Rao, Aged about 44 years, Occ: Business, R/o. Plot No. 125, Kakatiya Nagar, Neredment, Secunderabad.

...RESPONDENT No.1/PETITIONER/ACCUSED NO.3

2. State of Telangana, Represented by the Public Prosecutor, High Court of Judicature at Hyderabad
3. M/s. Divinit Beverages Pvt. Ltd., Rep. by its Director R.N.V. Venkatesh Babu, S/o. R.N. Murthy, Aged about 51 years, Occ: Business, R/o. 1-2-454/2/1, West Venkatapuram, Secunderabad.
4. R.N.V. Venkatesh Babu, S/o. R.N. Murthy, Aged about 51 years, Occ: Business, R/o. 1-2-454/2/1, West Venkatapuram, Secunderabad.

Respondents No.3 and 4 are not necessary parties to this Criminal Revision Petition.

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Revision case, the High Court may be pleased to permit the Petitioner and the Respondent to compound the offence in so far as the Respondent/Petitioner/Accused No.3 in concern by setting aside the conviction and acquit the Respondent/Petitioner/Accused No.3 is concern for the offences under section 138 N.I. Act passed in judgment dated 11.02.2016 in CC.No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad which was confirmed by the Appellate Court vide judgment dated 06th August, 2019 passed in Crl.A.No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad.

These Revision Petition and Application coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Revision Case and upon hearing the arguments of Sri Malipeddi Srinivas Reddy, Advocate for the Petitioner in Crl.R.C. and Respondent No.1 in I.A. No.2 of 2020 and of the Public Prosecutor on behalf of the Respondent No.2 in both Crl.R.C. and I.A.No. 2 of 2020 and of Sri P. Shashi Kiran, Advocate for the Respondent No.1 in Crl.R.C. and Petitioner in I.A.No.2 of 2020.

The Court made the following: COMMON ORDER

HONOURABLE SRI JUSTICE P. KESHAVA RAO

I.A.No.2 of 2020
IN/AND
CRIMINAL REVISION CASE No.1488 of 2019

COMMON ORDER:

I.A.No.2 of 2020 is filed by the first respondent/complainant praying this Court to compound the offence punishable under Section 138 of the Negotiable Instruments Act and acquit the petitioner/accused No.3 by setting aside the sentence and imprisonment imposed in Crl.A.No.206 of 2016 dated 06.08.2019 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.84 of 2014 dated 11.02.2016 on the file of XIV Special Magistrate, Hyderabad.

This Court on 07.12.2020 directed the parties to appear before the Registrar (Judicial) on 08.12.2020 for their identification and the Registrar (Judicial) thereafter shall submit a report to that effect by 14.12.2020. In compliance with the above said order, the parties along with their respective counsel appeared before the Registrar (Judicial), who, in turn, has identified them with reference to their aadhar cards and filed a report to that effect. The learned counsel also signed on the aadhar cards of their respective clients.

Having examined the report of the Registrar (Judicial) of this Court and the averments made in the affidavit filed in support of I.A.No.2 of 2020 and the joint memo filed by both parties, I.A.No.2 of 2020 is allowed.

In view of the orders passed in I.A.No.2 of 2020, the sentence and imprisonment imposed in Crl.A.No.206 of 2016 dated 06.08.2019 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.84 of 2014 dated 11.02.2016 on the file of XIV Special Magistrate, Hyderabad, are hereby set aside. The petitioner is directed to pay 10% of the cheque amount to the High Court Legal Services Committee, Hyderabad, within a period of six weeks from today and produce the receipt before the Registrar (Judicial). Failure to comply with the above said order, the order passed in this criminal revision case automatically stands vacated.

Accordingly, the criminal revision case is disposed of.

Miscellaneous petitions, if any, shall stand closed.

SD/- C.V. MALLIKARJUNA VARMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Addl. Metropolitan Sessions Judge, Hyderabad. (with records, if any)
2. The XIV Special Magistrate, Hyderabad
3. The Secretary, High Court Legal Services Committee, High Court Buildings, Hyderabad.
4. The Registrar (Judicial), High Court of Telangana at Hyderabad.
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri Malipeddi Srinivas Reddy, Advocate [OPUC]
7. One CC to Sri P. Shashi Kiran, Advocate [OPUC]
8. Two CD Copies.

(Along with Joint Memo)

MP

HIGH COURT

DATED:14/12/2020

COMMON ORDER

I.A.No.2 of 2020
IN/AND
CRL.R.C.No.1488 of 2019



ALLOWING THE I.A.NO.2 OF 2020
AND
DISPOSING OF THE CRIMINAL REVISION CASE.

(10) VLV 17/12/20

HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA

AT HYDERABAD

Crl.R.C. No. 1486 of 2019

Between:

G.V. Subramanyam

.....Petitioner/Petitioner

AND

G. Badrinath and others

.....Respondents/Respondents

AFFIDAVIT FILED BY THE RESPONDENT NO 1

I, G. Badrinath S/o G.V. Chalapathy, Aged about 49 years, Occ: Business, R/o Flat NO 201, Ambika Apartments, Panduranga Nagar, Hindupur, Ananthapur District, Andhra Pradesh temporarily came down to Hyderabad do hereby solemnly affirm and sincerely state on oath as follows:

1. I submit that I am the Respondent NO 1 herein and as such I am well acquainted with the facts of the case.

2. I submit that the Petitioner being aggrieved by the judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad in confirming the judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad the present revision is filed.

3. I submit that when the above matter came up for hearing, this Hon'ble Court by an order dated 06.01.2020 in I.A. No. 3 of 2019 was pleased to direct me to deposit 30% of the fine amount as imposed by the Trial Court within a period of six weeks from the date of the order

4. I submit that during the pendency of the above Criminal Revision Case, myself and the Petitioner had deliberation and our family friends had also intervened and advised us to reconcile our differences amicable. Further after much deliberations, myself and the Petitioner had reached a settlement and as per the terms of settlement, Petitioner is

required to pay a sum of Rs. 3,00,000/- (Rupees Three Lakhs Only) to me towards full and final settlement of all our disputed between myself and the Petitioner. Further the I had agreed that after receiving the said sum would cooperate with the Petitioner to compound the offence in so far as Petitioner case is concern by filing necessary petitions before this Hon'ble Court.

5. I further submit that today i.e. on 18.02.2020 Petitioner had obtained Demand Draft vide number 081152 drawn on HDFC Bank, Banjara Hills Branch for a sum of Rs. 3,00,000/- only (Rupees Three Lakhs Only) in my favour. Further, as a part of settlement, Petitioner had handed over the said Demand Draft to me for which I acknowledged the same.

6. I further submitted that it was specifically admitted between myself and the Petitioner that I would encash the aforementioned Demand Draft for a sum of Rs. 3,00,000/- (Rupees Three Lakhs Only) only after closure of the above Criminal Revision Case i.e. after recording the compromise in this Hon'ble Court.

7. Further, in view of the settlement arrived between the parties, it is prayed that the Petitioner conviction under Section 138, N.I. Act passed in judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad which was confirmed by the Appellate Court vide judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad is set aside and the Petitioner may be acquitted of the charges under Section 138 of the N.I. Act.

Therefore, it is prayed that this Hon'ble Court may be pleased to permit the Petitioner and the Respondent No 1 to compound the offence in so far as the Petitioner/Accused No. 3 is concern by setting aside the conviction and acquit the Petitioner/Accused No. 3 is concern for the offences under Section 138, N.I. Act passed in judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad which was confirmed by the Appellate Court vide judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl.

Metropolitan Sessions Judge, Hyderabad in the interest of justice and pass such other order or orders deem fit and proper in the interest of justice.

DEPONENT

Solemnly affirmed and signed
on this the 18th day of February, 2020
at Hyderabad.

Before me

Advocate/Hyderabad

HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA

AT HYDERABAD

Crl.R.C. No. 1486 of 2019

Between:

G.V. Subramanyam

.....Petitioner

AND

G. Badrinath and others

.....Respondents

JOINT MEMO FILED BY THE PETITIONER AND RESPONDENT NO 1

1. It is submitted that being aggrieved by the judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad in confirming the judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad the present revision is filed.

2. It is submitted that when the above matter came up for hearing, this Hon'ble Court by an order dated 06.01.2020 in I.A. No. 3 of 2019 was pleased to direct the Petitioner to deposit 30% of the fine amount as imposed by the Trial Court within a period of six weeks from the date of the order.

3. It is submitted that during the pendency of the above Criminal Revision Case, Petitioner and the Respondent No 1 had deliberation and family friends had also intervened and advised them to reconcile their differences amicable. Further after much deliberations, Petitioner and the Respondent No 1 had reached a settlement and as per the terms of settlement, Petitioner is required to pay a sum of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the Respondent No 1 towards full and final settlement of all their disputes between Petitioner and the Respondent No 1. Further the Respondent No 1 after receiving the said sum would cooperate with the Petitioner to compound the offence in so far as Petitioner case is concern by filing necessary petitions before this Hon'ble Court.

4. It is further submitted that today i.e. on 18.02.2020 Petitioner had obtained Demand Draft vide number 081152 drawn on HDFC Bank, Banjara Hills Branch for a sum of Rs 3,00,000/- only (Rupees Three Lakhs Only) in favour of the Respondent NO 1. Further,

as a part of settlement, Petitioner had handed over the said Demand Draft to the Respondent No 1, which was duly acknowledged by him.

5. It is further submitted that it was specifically admitted between Petitioner and the Respondent No 1 that the Respondent NO 1 would encash the aforementioned Demand Draft for a sum of Rs. 3,00,000/- (Rupees Three Lakhs Only) only after closure of the above Criminal Revision Case i.e. after recording the compromise in this Hon'ble Court.

6. Further, in view of the settlement arrived between the parties, it is prayed that Petitoner conviction under Section 138, N.I. Act passed in judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad which was confirmed by the Appellate Court vide judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad is set aside and Petitioner may be acquitted of the charges under Section 138 of the N.I. Act.

Therefore, it is prayed that this Hon'ble Court may be pleased to permit the Petitioner and the Respondent to compound the offence in so far as the Petitioner/Accused No. 3 is concern by setting aside the conviction and acquit the Petitioner/Accused No. 3 is concern for the offences under Section 138, N.I. Act passed in judgment dated 11.02.2016 in C.C. No. 84 of 2014 on the file of the Hon'ble XIV Special Magistrate, Hyderabad which was confirmed by the Appellate Court vide judgment dated 06th August, 2019 passed in Crl. A. No. 206 of 2016 on the file of the Hon'ble III Addl. Metropolitan Sessions Judge, Hyderabad in the interest of justice and pass such other order or orders deem fit and proper in the interest of justice.

Hence this Joint Memo.

Place: Hyderabad
Date: 19.02.2020

PETITIONER

RESPONDENT No 1

COUNSEL FOR PETITIONER

COUNSEL FOR RESPONDENT No 1