

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

I.A.No.2 of 2018

IN/AND

CRIMINAL REVISION CASE No.882 of 2013

COMMON ORDER:

This criminal revision case, under Sections 397 and 401 of the Criminal Procedure Code, is filed against the judgment dated 22.01.2013 passed by the IV Additional Metropolitan Sessions Judge, Hyderabad (for short, 'the appellate Court') in Criminal Appeal No.580 of 2011 whereby the appellate Court upheld the conviction and sentence recorded against the accused (revision petitioner) by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'the trial Court') in C.C.No.224 of 2010, dated 08.11.2011, in respect of an offence punishable under Section 138 of Negotiable Instruments Act, 1881.

I.A.No.2 of 2018 is filed seeking three months' time to pay balance cheque amount of Rs.1,00,000/- and acquit the petitioner/accused in C.C.No.224 of 2010 on the file of the trial Court, by setting aside the impugned judgment dated 22.01.2013 passed by the appellate Court, subject to payment of balance cheque amount of Rs.1,00,000/-.

When the matter is taken up, Sri M. Ram Mohan, learned counsel for the revision petitioner, as well as Sri Venkat Raghu Ramulu, learned counsel for respondent No.2/defacto complainant, submit that the accused/revision petitioner has paid the amount due and payable to the complainant, and the complainant has received the amount from the accused, and thus the matter has been settled between the parties and therefore the offence may be permitted to be compounded between the parties under Section 147 of the NI Act by allowing

the I.A.No.2 of 2018, and consequently set aside the conviction and sentence recorded by the trial Court as upheld by the appellate Court vide the impugned order dated 22.01.2013 in Criminal Appeal No.580 of 2011.

The parties are present before the Court and they are identified by their respective counsel. On being questioned, the defacto complainant submitted that he received the amount due and payable by the accused/revision petitioner and the matter is settled between the parties by way of compromise, and therefore the conviction and sentence recorded against the accused may be set aside. The revision petitioner also prays that as the amount due has been paid by him and the complainant has received the amount, the conviction and sentence recorded against him by the Courts below may be set aside.

Having regard to the respective submissions, considering that the complainant and the accused have compromised and settled the matter whereby the accused paid the amount due to the complainant, and further the offence being compoundable as per Section 147 of the NI Act, the application I.A.No.2 of 2018 is allowed and consequently the criminal revision case is also allowed, setting aside the order dated 08.11.2011 passed by the trial Court in C.C.No.224 of 2010, as affirmed by the appellate Court vide the impugned judgment dated 22.01.2013 in Criminal Appeal No.580 of 2011.

Miscellaneous petitions, if any pending, shall stand closed.

20th January, 2020
ksm

CHALLA KODANDA RAM, J

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