

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

I.A.No.2 of 2007 (Crl.R.C.M.P.No.2742 of 2007)

in/&Crl.R.C.No.359 of 2007

Common Order:

The Criminal Revision Case has been filed against Judgment dated 06.03.2007 in Crl.A.No.70 of 2006 on the file of the Court of the III Additional Sessions Judge, Warangal (for short 'the lower appellate court'), whereby the judgment dated 22.06.2006 passed by the I Additional Judicial First Class Magistrate, Warangal (for short 'the trial court'), in C.C.No.357 of 2005, convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'the NI Act') and sentencing him to undergo Rigorous Imprisonment for a period of six months and to pay fine of Rs.5,000/-, was confirmed.

2. Today, at the hearing, Mr. Bankatlal Mandhani, learned counsel for respondent No.2/complainant, submits that during pendency of the Criminal Revision Case, the matter has been settled out of the court in terms of Section 147 of the NI Act. Therefore, he has filed I.A.No.2 of 2007 (Crl.R.C.M.P.No.2742 of 2007) to compound the offence and to acquit the petitioner of the charge under Section 138 of the NI Act.

3. In the said IA, it is stated that respondent No.2/complainant had received Rs.80,000/- from the petitioner *vide* Banker's cheque No.775055 dated 18.12.2007, drawn on Bank of Baroda, Warangal Branch towards full and final settlement of his claim against the petitioner and that the same shall be deposited by respondent No.1/complainant in her savings bank account No.220/3978 with Syndicate Bank, Warangal Branch. A copy of the said Banker's cheque has been annexed to the IA.

4. In view of the same, I.A.No.2 of 2007 (CrI.R.C.M.P.No.2742 of 2007) is ordered and the Criminal Revision Case is allowed. The conviction and sentence imposed against the petitioner for the offence punishable under Section 138 of the NI Act, *vide* judgment dated 22.06.2006, of the trial court in C.C.No.357 of 2005, as confirmed by the lower appellate court, *vide* Judgment dated 06.03.2007 in CrI.A.No.70 of 2006, is hereby set aside. The fine amount, if any, paid shall be refunded to the petitioner. The bail bonds, if any, shall stand cancelled.

Miscellaneous Petitions, pending if any, shall stand closed.

JUVVADI SRIDEVI , J

Date: 25-03-2022
LUR/KSK