

HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

I.A.No.1 of 2022

In/and

CRIMINAL REVISION CASE No.1016 of 2019

ORDER:

1) This revision is filed by the petitioner/appellant/ accused challenging the judgment dated 06.06.2019 passed in Criminal Appeal No.180 of 2017 by the learned Principal Sessions Judge, Nalgonda confirming the conviction and sentence imposed by the learned Judicial Magistrate of First Class (Special Mobile Court) at Nalgonda, vide judgment, dated 15.09.2017, in C.C. No.211 of 2016 for the offence under Section - 138 of the Negotiable Instruments Act, 1881.

2) During pendency of the Criminal Revision, I.A.No.1 of 2022 came to be filed by the first respondent to permit him to compromise the offence. Along with the petition, a joint memo which is signed by the parties and their counsel, photographs of the parties and Photostat copies of their Aadhar Cards came to be filed. It is stated in the affidavit that at the intervention of elders and well wishers, the parties have settled their disputes and as per the

settlement arrived at, the revision petitioner has paid the entire agreed amount.

3) Both the parties are present before this Court today and they were identified by their respective counsel. This Court, when examined, the first respondent/complainant submitted that out of his own volition and without there being any coercion, he has entered into compromise and he has no objection, in case, the revision petitioner is acquitted for the charge under Section 138 of the Negotiable Instruments Act, 1881.

4) In ***Damodar S.Prabhu v. Sayed Babalal (H)***¹ the Apex Court has categorically held that “***while exercising power under Section 147 of the Negotiable Instruments Act, 1881, the Court can proceed with the compromise even after recording the conviction.***”

5) In view of the aforesaid principles laid down in the above decision, and in the light of the compromise arrived at between the parties, I.A.No.1 of 2022 is ordered.

¹ (2010) 5 SCC 663

6) Accordingly, the Criminal Revision Case is allowed in terms of compromise, setting aside the judgments dated 15.09.2017 passed in C.C.No.211 of 2016 on the file of the Judicial Magistrate of First Class (Special Mobile Court) at Nalgonda and in CrI.A.No.180 of 2017, dated 06.06.2019 on the file of the Principal Sessions Judge, Nalgonda respectively and the revision petitioner/accused is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE A.SANTHOSH REDDY

16.08.2022

Nvl

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