

HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

I.A.No.1 of 2022

In/and

CRIMINAL REVISION CASE No.1367 of 2018

ORDER:

1) This revision is filed by the petitioner/appellant/accused challenging the judgment dated 08.03.2018 passed in Criminal Appeal No.971 of 2016 by the learned Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar confirming the conviction and sentence imposed by the learned III Special Magistrate, Hasthinapuram at L.B.Nagar, Ranga Reddy District, vide judgment dated 27.10.2016 in C.C. No.172 of 2012 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 record the compromise. 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.

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 as per the settlement arrived at, the revision petitioner has paid Rs.5,00,000/- towards full and final settlement. he further stated that he has no objection in case the 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*

¹ (2010) 5 SCC 663

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.

6) Accordingly, the Criminal Revision Case is allowed in terms of compromise, setting aside the judgments dated 08.03.2018 and 27.10.2016 passed in C.C.No.172 of 2016 on the file of the III Special Magistrate, Hasthinapuram, L.B.Nagar, Ranga Reddy District and in CrI.A.No.971 of 2016 on the file of the Additional Metropolitan Sessions Judge's Court, Cyberabad at L.B.Nagar, respectively and the revision petitioner/accused is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. However, the revision petitioner is directed to deposit an amount of Rs.5,000/- (Rupees Five thousand only) towards costs

before the Secretary, High Court Legal Services Committee, Hyderabad within a period of fifteen days from today and file proof of the same into the Registry.

7) Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE A.SANTHOSH REDDY

06.06.2022

Note:

The Registry is directed to upload/furnish certified copy of the order only on deposit of the costs as ordered above.
(B/O.) nvl

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