

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

**CRIMINAL REVISION CASE NO: 501 OF 2021
ALONG WITH I.A.No.1 of 2022**

Criminal Revision Case Under Sections 397 & 401 of CrI.P.C against the Judgment in CrI.A.No.1017 of 2019 dated 21.09.2021 on the file of the Court of the Special Judge for trial of offences under SC and ST (POA) Act –cum- VI Additional Metropolitan Sessions Judge, Secunderabad, preferred against the order in C.C.No.456 of 2018 dated 28.10.2019 on the file of the Court of the XX Additional Chief Metropolitan Magistrate, Secunderabad.

Between:

P. Raju, S/o P. Narsing Rao, Aged about 58 years, Occ. Business, R/o H. No. 3-6-101/A, Boosareddyguda, West Marredpally, Secunderabad And also C/o M/s. Kamal Stores, D. No.7-2-989, Station Road, Secunderabad.

...Appellant/Accused

AND

1. State of Telangana, through Its Public Prosecutor High Court, Hyderabad.
2. C. Krishna Murthy, S/o Late C. Venkateshwarlu, aged about 53 years, Occ. Business, R/o Flat No.203, H. No. 3-2-220 to 223, Lakshmi Indrapast Apartment, R.M. Street, Kalasiguda, Secunderabad.

...Respondents/Defacto Complainant

IA NO: 2 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders passed on 21.09.2021 in CrI.Appeal No.1017 of 2019 on the file of the Hon'ble Special Judge for Trial of Offences under the S.Cs & S.Ts. (POA) Act-cum- VI Additional Metropolitan Sessions Judge at Secunderabad and pass such other and further orders as this Hon'ble Court deems fit and proper in the interest of justice.

IA NO: 1 OF 2022

Between:

C. Krishna Murthy, S/o Late C. Venkateshwarlu, aged about 53 years, Occ. Business, R/o Flat No.203, H. No. 3-2-220 to 223, Lakshmi Indrapast Apartment, R.M. Street, Kalasiguda, Secunderabad.

...Petitioner/Respondent No.2/Defacto Complainant

AND

1. P. Raju, S/o P. Narsing Rao, Aged about 58 years, Occ. Business, R/o H. No. 3-6-101/A, Boosareddyguda, West Marredpally, Secunderabad And also C/o M/s. Kamal Stores, D. No.7-2-989, Station Road, Secunderabad.

...Petitioner/Appellant/Accused

2. The State of Telangana, through Its Public Prosecutor High Court, Hyderabad.

...Respondent/Respondent

Petition under Section 320 (6) of Cr.P.C praying that the High Court may be pleased to permit the petitioner to compound the offence in CC No.456 of 2018 on the file of the XX Additional Chief Metropolitan Magistrate at Secunderabad.

This Criminal Revision Case coming on for hearing, upon perusing the Memorandum of Grounds and upon hearing the arguments of Sri D. Madhava Rao, Advocate for the Petitioner/Appellant/Accused in CrI.R.C. and Respondent No.1 in I.A.No.1/2022 and of the Public Prosecutor on behalf of the Respondent No.1 in CrI.R.C and Respondent No.2 in I.A.No.1/2022 and of Sri V. Srinivasulu, Advocate for the Respondent No.2 in CrI.R.C. and Petitioner in I.A.No.1/2022.

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL REVISION CASE No.501 OF 2021
ALONG WITH I.A.NO.1 OF 2022

COMMON ORDER:

This Criminal Revision Case is filed to set aside the judgment dated 21.09.2021 passed in CrI.A.No.1017 of 2019 by the Special Judge for Trial of Offences under S.Cs.& S.Ts.(POA) Act - cum - VI Additional Metropolitan Sessions Judge at Secunderabad, confirming the judgment dated 28.10.2019 passed in C.C.No.456 of 2018 passed by the XVI Additional Judge - cum - XX Additional Chief Metropolitan Magistrate at Secunderabad.

2. Heard Sri D.Madhava Rao, learned counsel for the petitioner, and Sri Khaja Vizarith Ali, learned Asst. Public Prosecutor for the State and Sri V.Srinivasulu, learned counsel for the 2nd respondent. Perused the record.

3. During the pendency of the present revision, the parties have compromised the matter and, accordingly, respondent No.2 filed I.A.No.1 of 2022 seeking permission to compound the offences and to compromise the case.

4. Vide order dated 07.04.2022, this Court, after recording the submissions made by both the counsel, directed the parties

to appear before the Secretary, Telangana High Court Legal Services Committee, Hyderabad, for their identification on or before 20.04.2022 and also directed the Secretary to submit a report by 20.04.2022. In compliance with the said order, the Secretary has submitted his report, on 13.04.2022.

5. In the report of the Secretary, Telangana High Court Legal Services Committee, Hyderabad, it is stated that both the parties along with their counsel have appeared before him and on examination and verification of their particulars from their Aadhar Cards, they were tallied. Thus the identification of both the parties has been established.

6. The parties herein have filed a joint memo of compromise stating that at the intervention of the well wishers, they have settled the disputes between them amicably and the 2nd respondent has no objection to set aside the proceedings against the petitioner herein in the above cases. The said joint memo of compromise and the report of the Secretary are placed on record.

7. It is relevant to note that the Hon'ble Supreme Court in **Damodar S. Prabhu v. Sayed Babalal H.**¹ held that in cases of

¹ (2010) 5 SCC 663

dishonour of cheques, compensatory aspect of the remedy should be given priority over the punitive aspect. The Court noted that majority of cheque bounce cases are being compromised by way of compounding, albeit during the later stages of litigation. This leads to arrears pending before the Courts. The Apex Court held that it would be desirable if the parties choose to compound the offence during earlier stages of litigation. Therefore, the Apex Court issued certain guidelines permitting the parties to compromise the matter and compound the offence under Section 138 of the N.I. Act which are extracted as follows:-

“(i) In the circumstances, it is proposed as follows:

(a) That directions can be given that the Writ of Summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be

required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount."

8. In the affidavit of the 2nd respondent filed in I.A.No.1 of 2022, it has been mentioned that respondent No.2 agreed to settle the matter by receiving three Demand Drafts from the petitioner/accused towards full and final settlement of the cheque amount and that he has no objection if the conviction and sentence imposed on the petitioner - accused is set aside.

9. In view the said report of the Secretary, Telangana High Court Legal Services Committee, Hyderabad and also in view of the compromise entered between the parties, I.A.No.1 of 2022 is allowed. Consequently, the Criminal Revision Case is allowed and the judgment dated 21.09.2021 passed in CrI.A.No.1017 of 2019 by the Special Judge for Trial of Offences under S.Cs.&

S.Ts. (POA) Act - cum - VI Additional Metropolitan Sessions Judge at Secunderabad, confirming the judgment dated 28.10.2019 passed in C.C.No.456 of 2018 passed by the XVI Additional Judge - cum - XX Additional Chief Metropolitan Magistrate at Secunderabad is hereby set aside and accordingly the petitioner - appellant - accused is acquitted of the aforesaid offence subject to payment of an amount of Rs.2,00,000/- (Rupees two Lakhs only) to the Telangana State Legal Services Authority, within four (4) weeks from today, and file proof of the same into the Registry.

As a sequel, the miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

Note: Cost memo filed by Mr. D. Madhava Rao, Advocate Receipt No.441, dated 06.05.2022 in CrI.R.C.No.501 of 2021 Amount Rs.2,00,000 (Two Lakhs Rupees Only) paid for Telangana State Legal Service Authority, Hyderabad.

To,

1. The Special Judge for trial of offences under SC and ST (POA) Act -cum- VI Additional Metropolitan Sessions Judge, Secunderabad.
 2. The XVI Additional Judge -cum- XX Additional Chief Metropolitan Magistrate, Secunderabad.
 3. One CC to Sri D. Madhava Rao, Advocate [OPUC]
 4. One CC to Sri V. Srinivasulu, Advocate [OPUC]
 5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
 6. Two CD Copies
 7. One Spare Copy
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HIGH COURT

DATED: 20/04/2022



COMMON ORDER

CRL.R.C.No.501 of 2021
ALONG WITH I.A.No.1 of 2022

ALLOWING THE CRL.R.C

(a) MBK
12/9