APHC010032592009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 2144/2009

Between:

1. SRI SATYANARAYANA SINGH, VISAKHAPATNAM - 1., S/O. LATE KRISHNA SINGH HINDU D.NO. 19-17-4, RANGIREEGI VEEDHI, NEAR POORNA MARKET,

...PETITIONER

AND

1. THE STATE OF A P REPTD BY ADDL P P VISAKHAPATNAM ANR, REPTD. BY ITS PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH, HYDERABAD.
2. SRI M RAMA CHANDRA RAO, S/O. LATE SURANNA HINDU, MAJOR RESIDING AT RAVI NAGAR, NAIDU THOTA, VISAKHAPATNAM.

...RESPONDENT(S):

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the Memorandum of grounds filed in support of the CriminalRevisionCase, the High Court may be pleased toto set aside the impugned Judgment dated 24-11-2009 and the Appeal No. 64 of 2008 Hon'ble I Additional Chief Metropolitan Sessions Judge cum II Additional District Judge, at Visakhapatnam, by acquitting Revision Petitioner in view of composition arrived between the parties to the Revision Petition.

IA NO: 1 OF 2009(CRLRCMP 2999 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of the certified copy of the Order dt.24-11-2009 in Crl.A. No. 64 of 2008 passed by the I Additional Metropolitan Sessions Judge cum I Additional District Judge, at Visakhapatnam.

IA NO: 2 OF 2009(CRLRCMP 3022 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of execution of sentence and conviction passed by the 1st Addl. Metropolitan Sessions Judge-cum- 1st Addl. Dist. Judge at Visakhapatnam in Crl.A.No. 64 of 2008, judgment dt. 24-11-2009 and acquit him pending disposal of the present Crl.R.C.,

Counsel for the Petitioner:

1. G ANANDA RAO

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following order:

1. Service upon 2nd respondent was effected through paper publication in the local daily newspaper, namely, Eenadu, dated 09.10.2026. Let the said publication be taken on record.
2. In spite of such substituted service upon 2nd respondent, none appears on his behalf. No vakalat has been filed on his behalf.
3. Instant criminal revision case has been preferred against judgment, dated 24.11.2009, passed in Criminal Appeal No.64 of 2008 on the file of learned I Additional Chief Metropolitan Sessions Judge-cum-II Additional District Judge, Visakhapatnam, whereby and whereunder the order of conviction and sentence imposed upon petitioner under Section 138 of Negotiable Instruments Act by learned Magistrate concerned was confirmed.
4. Sole ground raised in instant revision is that, before pronouncing the judgment by learned Sessions Judge confirming the conviction of petitioner under Section 138 of Negotiable Instruments Act, the matter

had been compromised between the parties. In terms of the said compromise, both parties filed a joint memo before learned appellate court. However, the said memo was returned with an objection that it should be accompanied by a specific petition seeking reopening of the appeal. In compliance with the said office objection, petitioner also filed a petition seeking reopening of the appeal on the date when the matter was posted for judgment.

5. It is the contention of petitioner that learned appellate court failed to consider the joint memo filed by the parties and proceeded to confirm the order of conviction against the petitioner.

6. Heard learned counsel for the petitioner. Perused the joint memo dated 21.11.2009. I have also perused the docket order dated 23.11.2009 as well as the office objection.

7. Upon a thorough perusal of the docket order, it appears that learned appellate court had taken note of the joint memo filed by the parties and, accordingly, intended to refer the matter to Lok Adalat. But surprisingly, the matter was not referred to Lok Adalat. Further, the impugned judgment came to be pronounced on 24.11.2009. In compliance with the office objection, a specific petition seeking reopening of the appeal was also filed by the petitioner.

8. The offence under Section 138 of Negotiable Instruments Act is compoundable in nature and compounding of the offence can be recorded at any stage either before or after the pronouncement of

judgment. When the joint memo along with necessary application was filed on 23.11.2009, learned appellate court ought to have taken the same into consideration. Moreover, learned appellate court committed an error in not considering the petition seeking reopening of appeal filed by the petitioner in support of the joint memo.

9. In view of the above observations, it is evident that the judgment confirming the order of conviction and sentence passed by learned trial court against petitioner is liable to be set aside, as the matter had been compromised between the parties.

10. Taking note of the joint memo dated 21.11.2009 as well as the petition seeking reopening of the appeal dated 24.11.2009, conviction recorded against petitioner under Section 138 of Negotiable Instruments Act is hereby set aside as compounded.

11. Accordingly, the criminal revision case is allowed.

12. Consequently, the miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE SUBHENDU SAMANTA

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