APHC010440282009

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

I.A.Nos.1 and 2 OF 2026

IN/AND

CRIMINAL REVISION CASE No: 961 OF 2009

Between:

1. NEELAPU NARAYANA REDDY,, S/O. APPA RAO, GOVT.SERVICE, R/O. 9-9-33, SHIVAJIPALEM, VISAKHAPATNAM

...PETITIONER

AND

1. THE STATE OF A P REP BY PP, REP.BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.
2. THE ADAVI VARAM COOPERATIVE CREDIT SOCIETY LIMITED NM1878, ADAVI VARAM, REPRESENTED BY ITS SECRETARY L.V. RAMANA, S/O. LATE PYDANNA, AGED ABOUT 58 YEARS, RESIDING AT D.NO.7-187, SRI SAI NILAYAM, ADAVI VARAM VILLAGE, VISAKHAPATNAM, A.P. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT'S ORDER DATED 22.09.2025 IN I.A.NO.1 OF 2025 IN CRL.R.C.NO.961 OF 2009.

...RESPONDENT(S):

Counsel for the Petitioner:

1. T PRASANNA KUMAR

Counsel for the Respondents:

1. ETUKURI MADHU MURTHY
2. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

I.A.Nos.1 and 2 OF 2026

IN/AND

CRIMINAL REVISION CASE No: 961 OF 2009

Common Order:

1. Instant Criminal Revision Case, under section 397 read with section 401 of Criminal Procedure Code, 1973, has been preferred against Judgment dated 15.06.2009 in Crl.A.No.75 of 2007 passed by learned I Additional Metropolitan Sessions Judge, Visakhapatnam, by confirming Judgment of conviction dated 21.06.2007 in C.C.No.582 of 2006 passed by learned Special Judicial Magistrate of First Class (P & E), Visakhapatnam, wherein the petitioner/accused was convicted and sentenced to suffer rigorous imprisonment for a period of six months and to pay a fine of Rs.5,000/-, in default of payment of fine amount, shall suffer simple imprisonment for 15 days, for the offence punishable under section 138 of Negotiable Instruments Act.

2. Respondent No.2 is the Adavi Varam Co-operative Credit Society Limited. Said respondent No.2 was duly represented through its present Secretary - Sri Meesala Siva son of Sudhu Rao. Said S.Siva submits that the dispute between respondent No.2 and the petitioner has been resolved by way of compromise. In terms of such compromise, I.A.No.1 of 2026 has been filed seeking permission of this Court to compound the offence by permitting

the petitioner and the 2nd respondent/complainant to enter into compromise. Further, I.A.No.2 of 2026 has been filed seeking to record the compromise arrived at between the petitioner and the 2ndrespondent/complainant.

3. Heard learned counsel for the parties. Perused the affidavit filed by 2nd respondent and the joint memo of compromise filed by the parties.

4. The petitioner and 2nd respondent representing through the Secretary are present before this Court. On being questioned, the Secretary of the 2nd respondent submits that the dispute between 2nd respondent-Co-operative Credit Society and the petitioner/accused has been settled amicably and that he has received the entire cheque amount from the petitioner. The Secretary of the 2nd respondent has also stated in his affidavit that he has entered into the compromise voluntarily and without any coercion or undue influence. The petitioner as well as the 2nd respondent also stated that they have filed the joint memo voluntarily and out of their own volition.

5. On perusal, it appears that the said joint memo has been duly singed by the Secretary of 2nd respondent- The Adavi Varam Co-operative Credit Society Limited as well as Petitioner, duly attested by their respective learned Counsels. I have also perused the authorization letter issued by 2nd Respondent –The Adavi Varam Co-operative Credit Society Limited.

6. Considering the entire facts and circumstances of the case, I find no illegality in accepting the compromise entered into between the parties.

Offence punishable under section138 of the Negotiable Instruments Act is compoundable in nature. Since the 2nd respondent i.e., The Adavi Varam Co-operative Credit Society Limited/de-facto complainant has compromised the matter with the petitioner, there is no legal impediment to pass an order of compounding. Accordingly, the offence is hereby compounded.

7. Accordingly I.A.No.1 of 2026 and I.A.No.2 of 2026 are considered and allowed.

8. The offence under section 138 of the Negotiable Instruments Act is permitted to be compounded in terms of compromise. Consequently, the conviction and sentence recorded by learned trial court in C.C.No.582 of 2006 and confirmed by learned appellate Court in Crl.A.No.75 of 2007 against the petitioner is hereby set aside in terms of the compromise entered into between the parties. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

9. The criminal revision case is, accordingly, allowed.

10. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date 04.11.2026
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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 961 OF 2009

DATE: 04.11.2026

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