

**THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI**

**I.A.Nos.1 & 2 of 2021**

**IN/AND**

**CRIMINAL REVISION CASE NO.130 of 2019**

**ORDER:**

**I.A.Nos.1 & 2 of 2021**

These miscellaneous petitions are filed by the petitioner-complainant seeking permission of this Court to record compromise and compound the offence in C.C.No.139 of 2016 on the file of Judicial Magistrate of First Class, Special Mobile Court, Ongole.

The petitioner herein, who is second respondent in the revision case, filed a complaint and the same was registered as C.C.No.139 of 2016 on the file of Judicial Magistrate of First Class, Special Mobile Court, Ongole against the revision petitioner for the offences under Section 138 of Negotiable Instruments Act, 1881. After trial, the learned Magistrate convicted the revision petitioner and sentenced him to undergo rigorous imprisonment for six months and to pay a fine of Rs.12,89,000/-, in default to suffer simple imprisonment for a period of three months. Assailing the same, the revision petitioner preferred CrI.A.No.72 of 2018 on the file of Judge, Family Court-cum-VII Additional District & Sessions Judge, Prakasam at Ongole and the same was dismissed. Consequently, the revision petitioner filed the present revision to set aside the conviction and sentence. The 2<sup>nd</sup> respondent company also initiated arbitration proceedings *vide* A.R.C.No.63 of 2014, wherein the Arbitrator passed an award dated 18.04.2015 for Rs.38,26,444/- in favour of the 2<sup>nd</sup> respondent-company.

During the pendency of revision, both the parties have entered into compromise at the intervention of elders. It is stated by the complainant that they received an amount of Rs.25,00,000/- towards settlement of loan from the revision petitioner. It is also stated by the

complainant that the revision petitioner can receive the amount deposited before the trial Court.

Both the revision petitioner and the 2<sup>nd</sup> respondent are present and they are identified by their respective counsels and produced Photostat copies of Aadhar cards to prove their identity. Further, it is stated by both the parties that they have voluntarily entered into compromise due to intervention of elders and well wishers. The 2<sup>nd</sup> respondent in the revision case submitted that in view of the compromise entered between the parties, continuation of criminal proceedings is not necessary and the offence can be compounded and CrI.R.C.No.130 of 2019 can be allowed.

Therefore, taking into consideration the facts of the case, as the parties have compromised, permission is granted to compound the offence and compromise is recorded as per the terms mentioned in the petitions. Accordingly, these petitions are ordered.

**Criminal Revision Case No.130 of 2019**

In view of the order passed in I.A.Nos.1 and 2 of 2021, this criminal revision case is allowed and the conviction and sentence passed in C.C.No.139 of 2016 dated 05.03.2018 on the file of Judicial Magistrate of First Class, Special Mobile Court, Ongole as confirmed in CrI.A.No.72 of 2018 dated 11.02.2019 on the file of Judge, Family Court-cum-VII Additional District & Sessions Judge, Prakasam at Ongole. The amount, if any, deposited by the revision petitioner before the trial Court shall be refunded to him.

As a sequel, miscellaneous applications pending if any, shall stand closed. No costs.

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**JUSTICE LALITHA KANNEGANTI**

16<sup>th</sup> March, 2021

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