

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**IA No.3 of 2023**  
**in/and**  
**Criminal Revision Case No.309 of 2023**

**Common Order:**

This Criminal Revision Case has been filed against the judgment, dated 25.10.2021, passed in Criminal Appeal No.322 of 2019 by the learned IV Additional District and Sessions Judge, Nellore, confirming the conviction and sentence imposed by the learned I Additional Judicial Magistrate of First Class, Nellore in CC No.87 of 2018, vide judgment dated 30.09.2019.

2. A private complaint was filed by 2<sup>nd</sup> respondent herein against the revision petitioner herein for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for brevity 'N.I. Act'). By judgment dated 30.09.2019 in C.C.No.87 of 2018, the learned I Additional Judicial Magistrate of First Class, Nellore, found the revision petitioner herein guilty of the offence under Section 138 of the NI Act and convicted and sentenced him to undergo S.I for a period of six (6) months and to pay cheque amount of Rs.5,00,000/- to the complainant towards compensation together with interest at 9% per annum from the date of cheque till realization, under Section 357(3) Cr.P.C., within two (2) months from the date of judgment, failing

which he was ordered to undergo simple imprisonment for further period of four (4) months. Against the said conviction and sentence, the petitioner herein filed Criminal Appeal No.322 of 2019 on the file of the learned IV Additional District and Sessions Judge, Nellore. The said Criminal Appeal was dismissed by the learned Sessions Judge, by judgment dated 25.10.2021, confirming the conviction and sentence recorded by the learned Magistrate in CC No.87 of 2018. Against the said judgment, the petitioner/accused has filed the present Revision Case.

3. On 25.04.2023, when the matter came up for admission, this Court observed thus.

“Today, when the case is taken up, both the parties are present before this Court. Learned counsel for the petitioner and the learned counsel for 2<sup>nd</sup> respondent identified both the parties in the open Court. This Court questioned the de facto complainant with regard to compromise. He has categorically stated to that extent that he has voluntarily entered into compromise with the petitioner herein. This Court is satisfied with the identification of parties and voluntariness in arriving at the compromise.

Later, this Court has noticed that IAs for compounding the offence were not filed. In view of

the said reason, the matter is posted to 27.04.2023 directing both the parties to file IAs.

In view of the examination of the respective parties before this Court, their presence before this Court has been dispensed with.

Post on 27.04.2023, under the caption 'for orders'."

4. Thereafter, both the parties have filed a joint memo in IA No.3 of 2023 seeking permission to compound the case, as they have compromised the matter amicably out of the Court. In the affidavit filed in support of the said IA it is stated that, in the month of January 2023, the revision petitioner herein paid the amounts due to 2<sup>nd</sup> respondent herein, hence 2<sup>nd</sup> respondent has no objection to compound the case.

5. In view of the aforesaid facts and circumstances, as the parties have entered into a compromise and compounded the offence in terms of Section 147 of the N.I. Act, this Criminal Revision Case is allowed setting aside the impugned judgment of conviction and sentence passed against the revision petitioner, who is the accused, in the judgment dated 30.09.2019 in C.C.No.87 of 2018 on the file of the learned I Additional Judicial Magistrate of First Class, Nellore, which in turn was confirmed in the judgment dated 25.10.2021 in

Criminal Appeal No.322 of 2019 on the file of the learned IV Additional District and Sessions Judge, Nellore. The revision petitioner, who is accused, is acquitted of the said offence in terms of Section 320(8) Cr.P.C.

6. Accordingly, IA No.3 of 2023 and Criminal Revision Case No.309 of 2023 are allowed.

7. As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Revision Case shall stand closed.

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**K. SREENIVASA REDDY, J**

Date:03.05.2023  
Nsr

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