

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MARCH, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.S.PACHHAPURE

CRIMINAL REVISION PETITION No.985 OF 2010

BETWEEN:

SRI D V PRAKASH
S/O LATE VENKATARANGACHAR
AGED ABOUT 54 YEARS
R/AT NO.C.37/3
DRDO COMPLEX
PHASE II, C V RAMAN NAGAR
BANGALORE - 560 093.

... PETITIONER

(BY SRI: G K SHIVAPRAKASH, ADV)

AND:

SMT GIRIJA POOJARI
W/O LATE RAMA POOJARI
AGED ABOUT 47 YEARS
R/AT NO 7, KANNAMMA BUILDING
RAMAIAH COMPOUND, 5TH CROSS
NAGAPPA STREET
PALACE GUTTAHALLY
BANGALORE - 560 003.

... RESPONDENT

(BY SRI: K RAMA BHAT, ADV)

THIS CRL.RP IS FILED UNDER SECTION 397 READ WITH 401 CR.P.C., PRAYING TO SET ASIDE THE JUDGMENT AND SENTENCE DATED 20.05.2009 PASSED BY THE XIX ADDL. CMM, BANGALORE IN CC NO.13729/2007 AND CONFIRMED BY ORDER DATED 15.07.2010 PASSED BY THE PRESIDING OFFICER, FTC-1, BENGALURU IN CRL.A.489/2009.

THIS CRL.RP. COMING ON FOR HEARING, THIS DAY THE COURT MADE THE FOLLOWING:

O R D E R

A joint memo is filed. Parties and their counsel present. They have settled their claim for a sum of Rs.50,000/-. The sum of Rs.9,000/- is paid in the open Court. A sum of Rs.41,000/- is in deposit before the Trial Court. The court below has convicted the petitioner for the offence under Section 138 of NI Act. They have sought for permission to compound the offence.

2. Considering the grounds made out, the permission is accorded. Joint memo is granted. The revision petition is allowed. The order convicting the petitioner for the offence under

Section 138 of NI Act passed by the Trial Court and confirmed in the appellate Court is set aside. He is acquitted of the charges.

Respondent is permitted to withdraw the sum of Rs.41,000/-, which is in deposit before the Trial Court.

Sd/-
JUDGE

*bgn/-