

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2017

BEFORE

THE HON'BLE MR.JUSTICE K. N. PHANEENDRA

CRL.RP. NO. 1456/2016

BETWEEN

H. SHIVAPPA,
S/O LATE CHIKKEGOWDA,
AGED ABOUT 72 YEARS,
R/O SULEKERE VILLAGE,
KASABA HOBLI,
ARASIKERE TALUK,
HASSAN DIST-573 103 ... PETITIONER

(BY SRI. DINESH KUMAR K. RAO, ADV. FOR
SRI. R. B. DESHPANDE, ADV.)

AND

H. C. PANCHAKSHARI,
S/O CHANNABASAPPA,
AGED ABOUT 57 YEARS,
R/O MARUTHI NAGAR EXTENSION,
ARSIKERE TOWN, HASSAN DIST-573 103 ... RESPONDENT
(BY SRI. G. M. CHANDRASHEKAR, ADV.)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C
PRAYING TO SET ASIDE THE JUDGMENT AND ORDER
DATED 17.10.2016 PASSED BY THE V ADDL. DIST. AND
S.J., HASSAN IN CRL.A.NO.130/2015 AND THE
JUDGMENT AND ORDER OF CONVICTION AND
SENTENCE DATED 17.08.2015 PASSED BY THE SENIOR
CIVIL JUDGE AND JMFC, ARSIKERE IN
C.C.NO.180/2014 AND ACQUIT THE PETITIONER OF
CHARGES LEVELED AGAINST HIM.

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

ORDER

The petitioner and respondent and their respective counsels are present before the court. The petitioner and respondent have filed an application u/s.147 of the Negotiable Instruments Act read with Section 320(5) of Cr.P.C. for compounding the offence.

2. Heard the parties and their counsels and perused the records. The parties have accepted the contents of the Compromise Petition filed before the court.

3. There is no legal impediment to accept the Compromise Petition as the accused petitioner has already deposited some amount before the trial Court and the complainant-respondent has no objection to release the said amount in favour of the complainant.

In view of the above said facts and circumstances of the case, the **petition is allowed** by virtue of the compromise and the Application filed u/s.147 of the Negotiable Instruments Act read with Section 320(5) of

Cr.P.C., by the parties is hereby accepted. Consequently, the sentence passed by the learned Senior Civil Judge & JMFC, Arsikere in CC No.180/2014, confirmed by the V Addl. District and Sessions Judge Hassan in Criminal Appeal No.130/2015 are hereby set aside. The petitioner is acquitted of the charges u/s.138 of the Negotiable Instruments Act. However, the amount which has already deposited before the trial Court is ordered to be released in favour of the complainant on proper identification by the trial Court. The bail bonds and surety bonds if any executed are hereby cancelled.

Sd/-
JUDGE

PL*