

IN THE HIGH COURT OF KARNATAKA, BENGALURU**DATED THIS THE 31ST DAY OF JANUARY, 2018****:BEFORE:****THE HON'BLE MR.JUSTICE K.N. PHANEENDRA****CRL.RP. NO. 1322/2017****BETWEEN:**

C.E.NARAYANA GOWDA
S/O C.H.EREGOWDA, AGED ABOUT 52 YEARS
R/O CHIKKAMAGARAVALLI VILLAGE, ALDUR POST,
CHIKKAMAGALUR TALUK AND DIS-577101
... PETITIONER
(BY SRI. GIRISH B BALADARE)

AND

B.V.RAGHAVENDRA
S/O B.P.VASUDEV, MAJOR,
R/O D.A.R. POLICE QUARTERS, RAMANAHALLI,
CHIKKAMAGALUR TQ AND DIS-577 101
... RESPONDENT
(BY SRI. JAGADEESH.H.T. ADV.)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C
PRAYING TO SET ASIDE THE JUDGMENT DATED
13.01.2016 PASSED BY THE LEARNED II ADDITIONAL
SESSIONS JUDGE AT CHIKKAMAGALURU IN CRIMINAL
APPEAL NO.327/2013 AND CONFIRMED THE JUDGMENT
DATED 07.09.2013 PASSED BY THE 2ND ADDITIONAL
CIVIL JUDGE AND JMFC AT CHIKKAMAGALURU IN
C.C.NO.1254/2009 AND THE PETITIONER TO BE
ACQUITTED FOR THE OFFENCE ALLEGED AGAINST HIM.

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

ORDER

Sri. Jagadeesh H.T., Advocate, files power for respondent.

2. After hearing both the parties, the delay in preferring the petition the delay of 716 days in filing the petition is hereby condoned. IA No.1/2017 is allowed.

3. The petitioner and respondent are present before the Court. They filed a Joint Petition under Section 147 of Negotiable Instruments Act (for short, 'N.I. Act') reporting compromise. The parties admit the contents of the Compromise Petition and execution of the same.

4. Section 147 of the Negotiable Instruments Act says that the offence under Section 138 of N.I. Act is compoundable in nature.

5. In the above circumstances, there is no reason to reject the application. The respondent

submits before the court that he has received the entire amount due under the disputed cheque and there is no other matter pending between the parties with respect to the said disputed cheque.

6. In view of the above facts and circumstances, the following order is passed.

ORDER

The petition is allowed. The Joint Memo filed by the parties under Section 147 of N.I. Act is hereby accepted. Consequently, the sentence passed by the II Additional Sessions Judge and JMFC at Chikkamagaluru, in C.C. No.1254/2009 and consequent confirmation of the said judgment in Criminal Appeal No.327/2013 on the file of the II Additional Sessions Judge at Chikkamagaluru, is hereby set aside. Consequently, the petitioner/Accused is hereby acquitted of the charge levelled against him under Section 138 of the N.I. Act.

**Sd/-
JUDGE**

KGR*