APHC010651002009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3560]
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER, 2026.

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

I.A.NO.3 of 2026
IN/AND
CRIMINAL REVISION CASE NO: 1664/2009

Between:

1. MADALA BOSU BABU, S/O. VENAKTESWARLU, AGED 61 YEARS, R/O. D.NO. 12-13-14/13, CHAPARALA BAREX, GUNTUR, GUNTUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF A P REP BY PP AND ANOTHER, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD

2. MUPPALLA NIRMAL PRASAD, S/O. SAMBASIVA RAO, AGED ABOUT 52 YEARS, R/O. D.NO. 1-36-73/A, 3RD LANE, MARUTHI NAGAR, GUNTUR-6.

...RESPONDENT(S):

Revision filed under Section 397/401 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to aggrieved by the judgment dt.01.10.2009 passed in Crl.A.No.314 of 2008 on the file of the IX Addl. Sessions Judge (FTC), Guntur as confirming in C.C.No.708/2007 on the file of the V Addl. Junior Civil Judge, Guntur, dt.15.09.2008 that the sentence and conviction U/s. 138 of NI Act and he is sentenced to pay a fine of Rs.1,05,000/- out of which Rs.1,00,000/- should be paid to the 2nd respondent (complainant) as a compensation and the remaining fine of Rs.5,000/- should go to the Government account i/d the accused has go to undergo SI for 6 months , the revision petitioner prefers

IA NO: 1 OF 2009(CRLRCMP 2299 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pay a fine of Rs. Rs.1,05,000/- out of which Rs.1,00,000/- should be paid to the 2nd respondent (complainant) as a compensation and the remaining fine of Rs. 5,000/- is already paid by the accused

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased permit the petitioner/accused to engage a new counsel in CrI.R.C 1664 of 2009 and to pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to re-call the order dt.14-02-2025 (NON BAILABLE WARRANT) passed in CrI.R.C.1664 of 2009 by this Hon'ble Court and to pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to record the compromise and allow the Criminal Revision Case No. 1664 of 2009 by setting aside the calendar and Judgment dt.01.10.2009 passed in CRL.A No.314 of 2008 which confirmed the Judgment 15.09.2008 in C.C.NO. 708 OF 2007 on the file of Hon'ble V Addl Junior Civil Judge, Guntur and held that the petitioner/accused guilty for the offences charged U/sec 138 of N.I. Act, 1881 and he is sentenced to pay a fine of Rs.1,05,000/-, out of which Rs.1,00,000/- should be paid to the 2nd respondent (De facto Complainant) as a compensation and the remaining Rs.5000/- should go to the Government account in default the accused has to undergo simple imprisonment of 6 months, and consequently acquit the petitioner/accused and to pass

Counsel for the Petitioner:

1. PARUCHURI INDUMATHI

Counsel for the Respondent(S):

1. KOMIREDDY KARAMCHAND LINGANNA
2. -
3. PUBLIC PROSECUTOR

The Court made the following common order:

I.A.No.3 of 2026 is filed seeking compromise between petitioner and 2nd respondent.

2. Heard learned counsel for petitioner as well as learned counsel for 2nd respondent and learned Assistant Public Prosecutor represents for 1st respondent.

3. I.A.No.3 of 2026 accompanied by affidavit filed by the revision petitioner/accused, also a separate affidavit by *de facto* complainant/2nd respondent, and a joint memo also signed between the parties, signature of the petitioner as well as the *de facto* complainant was duly attested by learned Advocate on record.

4. *De facto* complainant namely Muppala Nirmal Prasad and petitioner/accused namely Madala Bosu Babu, appeared personally before this Court. On enquiry, *de facto* complainant submits that the dispute between themselves has been settled out of the Court, in terms of such settlement, they filed the joint memo. He further submits that he signed affidavit without any pressure or compulsion, moreover, he voluntarily proceed to compromise the matter. He further states that he has no objection if petitioner set at liberty.

5. Having heard the petitioner and the *de facto* complainant/2nd respondent in this matter, I.A.No.3 of 2026 appears to be bonafide and requires to be entertained.

6. The instant Criminal Revision Case has been preferred challenging order of conviction and sentence against the petitioner/accused recorded by learned trial Court for the offence punishable under Section 138 of N.I.Act, further it was confirmed by appellate Court.

7. The offence punishable under Section 138 of N.I.Act is compoundable under Section 147 of N.I.Act.

8. The compounding can be made on consent of complainant at any stage of the proceedings. Since accused and complainant compromise the dispute outside the Court and complainant has active consent for compromise, so, it is necessary to record such compromise to compound the offence.

9. Under the above observation, I.A.No.3 of 2026 is considered and allowed. Offence punishable under Section 138 of N.I.Act, conviction and punishment thereof against the petitioner is hereby compounded interms of affidavit and joint memo in I.A.No.3 of 2026. Thereby, the conviction and sentence passed by learned trial Court confirmed by the learned appellate Court against petitioner punishable under Section 138 of N.I.Act is hereby set aside being compounded.

10. The petitioner is hereby acquitted from this case.

11. The sureties standing in his favour also released.

12. Accordingly, the instant Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date : 13.10.2026

SPP

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1664 of 2009

Dated 13.10.2026

SPP