

HIGH COURT OF MADHYA PRADESH**CRR No. 2398/2019****(Yakub vs. Mohd. Hanif)****Indore: Dated:- 23/05/2019:-**

Shri Hardeek Maheshwari, learned counsel for the petitioner.

Shri Yogesh Gupta, learned G.A. for the respondent/State.

Heard on IA No.3700/19, applications for condonation of delay. The petitions are barred by 3962 days.

Considering the fact that both the parties have entered into a compromise, the application is allowed. Delay is condoned.

Arguments heard.

ORDER

2. The petitioner Yakub has preferred this petition against his conviction under Section 138 of Negotiable Instruments Act, 1981 and sentence of one year with compensation of Rs.3 lacs vide judgment dated 03/09/2007 passed by Judicial Magistrate First Class, Indore.

3. His conviction and sentence was affirmed by the appellate Court i.e. 10th Additional Sessions Judge, Indore in Criminal Appeal No.665/2007 vide judgment dated 02/04/2008.

2. Both the parties have now compromised the case. They have filed compromise which is verified by the Principal

Registrar of this Court. As per report of the Principal Registrar, both the parties are competent to compound the case in all respect and have compromised the case voluntarily, without any fear, pressure, coercion, threat or undue influence from either side. The offence for which the petitioner is convicted is compoundable. Therefore, the compromise is accepted subject to payment of 10% compounding fees in view of the judgment of Hon'ble Supreme Court in the case of **Damodar S. Prabhu Vs Sayed BabaLal H. reported in 2010(5) SCC 66** to be deposited with the High Court Legal Aid Services Committee, Bench at Indore.

3. Considering the compromise between the parties, the judgment and order dated 02/04/2008 passed by the learned 10th Additional Sessions Judge, Indore in Criminal Appeal No.665/2007, so also the judgment and order of the learned JMFC, Indore dated 03/09/2007 passed in Criminal Case No.2099/2004 are set aside. Petitioner – Yakub is acquitted from the charge under Section 138 of Negotiable Instruments Act. He be set at liberty forthwith if not required in any other case subject to deposit of the cost as directed.

(Virender Singh)
Judge