APHC010007802019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 38/2019

Between:

1. B.SRIHARI, D.NO.26-1-442, B.V. NAGAR, NELLORE.

...PETITIONER

AND

1. P V A KISHORE, D.NO.23/931, ACHARI STREET, NELLORE TOWN, NELLORE DIST.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT, AMARAVATHI

...RESPONDENT(S):

Counsel for the Petitioner:

1. T C KRISHNAN

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR (AP)
2. MALIREDDY GOWTHAM

The Court made the following:

ORDER:

On the earlier occasion, Respondent No.1 was present. Today, the Petitioner/Accused is present before this Court. A memo has been filed stating that the Petitioner paid a sum of Rs.5,00,000/- to Respondent No.1 about two

years ago towards full and final settlement. The learned Counsel for Respondent No.1 also submits that Respondent No.1 has received the said amount from the Petitioner towards full and final settlement of the dispute. However, no application has been filed by Respondent No.1 seeking permission to compound the offence or to record the compromise.

2. In view of the facts and circumstances of the case, particularly the settlement arrived at between the parties and the payment of Rs.5,00,000/- by the Petitioner to Respondent No.1 towards full and final settlement, this Criminal Revision Case is disposed of in terms of the compromise between the parties. Consequently, the conviction and sentence passed by the learned Judicial Magistrate of First Class, Special Mobile Court, Nellore, in C.C.No.611 of 2015, dated 12.07.2007, as confirmed in Criminal Appeal No.270 of 2017, dated 27.12.2018, by the learned IV Additional District & Sessions Judge, Nellore, are hereby set aside. Hence, the Petitioner/Appellant/Accused is acquitted under Section 320(8) of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C').

3. The learned Counsel for the Petitioner submits that the Petitioner is unable to bear the costs as directed by the Hon'ble Apex Court in **Damodar S. Prabhu v. Sayed Babalal H**[1] observed that for compounding an offence under the provisions of the Negotiable Instruments Act before the Revisional Court, i.e., the High Court, the Petitioner is required to pay a certain amount

[1] (2010) 5 SCC 663

towards costs. However, the Hon'ble Apex Court in **Madhya Pradesh State Legal Services Authority v. Prateek Jain**[2] relaxed the rigor of the judgment in **Damodar S. Prabhu** *supra* and observed that in appropriate cases, matters can be compounded at the revision stage either on payment of minimal costs or by waiving the costs in suitable cases.

4. Considering the financial conditions of the Petitioner, the payment of costs is waived.

5. Accordingly, the Criminal Revision Case is disposed of as compromised. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt:21.07.2026
KMS

[2] (2014) 10 SCC 690

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Date: 21.07.2026
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