

CA 55/24

Appellant, Recovery officer/authorized representative of the respondent society namely Mr. Nitesh Taranath Kotharkar and both the counsels are present.

Both the parties and their counsels filed the application U/Sec. 147 of N.I. Act for permitting the parties to compound the offence under Section 138 of NI Act along with loan clearance certificate issued by the Branch Manager of Respondent Society.

Perused the application which contains the signatures of both the parties and their counsels. When enquired by the Court the parties admitted regarding the terms of compromise mentioned in the aforesaid application. Mr. Nitesh Taranath Kotharkar, the Recovery officer/ authorized representative of the respondent society submitted that the appellant has already paid the entire loan amount and respondent has no objection to set aside the impugned judgment of conviction passed by the trial Court. The offence U/sec. 138 of NI is compoundable U/sec. 147 of NI Act even in the appellate stage.

The compromise arrived by the parties is lawful and permissible and there is no any legal impediment to accept the terms of the compromise and as such the application filed by the parties U/Sec. 147 of N.I. Act for compounding of the offence is allowed. Consequently, the Judgment dated 08.12.2023 passed by the learned Prl. Civil Judge and JMFC, Honnavar in C.C. No.1811/2022 is hereby set aside and the

accused/appellant is acquitted for the offence punishable U/Sec. 138 of N.I.Act and in view of the prayer made in the said application, the trial Court is directed to return the fine amount of Rs.5,000/- and part of compensation amount of Rs.90,000/- deposited by the Appellant before trial Court on 06.06.2024 to the Appellant on proper identification.

Office is directed to return TCR forthwith to the trial Court along with the certified copy of above order.

Sd/-
Prl. District & Sessions Judge,
U.K., Karwar