

APHC010182032019



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

TUESDAY, THE 4th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

I.A.Nos.2 & 3 of 2026

In/And

CRIMINAL REVISION CASE NO: 679 OF 2019

Between:

1. Desiraju Alivelu Manga, W/o. Seetapathi Rao, aged 47 years, R/o. D. No. 10-181/13, Bhavanipuram, Rajahmundry, East Godavari District.

...Petitioner

AND

1. STATE OF AP, Rep by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

2. Kumpatla Lakshmi, W/o. Jagannadha Rao, aged 50 years, R/o. D. No. 25-13-9/2, N.R. Peta, Eluru, West Godavari District.

...Respondents

Counsel for the Petitioner: SIVA SANKARA RAO BORRA

Counsel for the Respondents: Pydi Venkata Raju Counsel for the Respondents:PUBLIC PROSECUTOR (AP)

The Court made the following order:

COMMON ORDER:

The Criminal Revision Case has been filed under Sections 397 and 401 of Code of Criminal Procedure (for brevity, 'the Cr.P.C')/ Sections 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS') by the Petitioner/Appellant/Accused seeking to set aside the Judgment dated 05.02.2019 passed in CrI.A.No.144 of 2017 on the file of the court of the Special Judge for Trial of Cases under SCs & STs (POA) Act, 1989-cum-VIII Addl. District and Sessions Judge, West Godavari, Eluru, dismissing the appeal and confirming the Calendar and Judgment dated 31.03.2017 in C.C.No.610 of 2016 on the file of the court of Judicial Magistrate of First Class, Special Mobile Court, Eluru, West Godavari District.

2. I.A.No.2 of 2026 has been filed by the Respondent No.2 seeking permission to compromise the case.

3. I.A. No. 3 of 2026 has been filed by the Respondent No.2 seeking to record the compromise entered into between the Petitioner and the Respondent No.2 in the present case.

4. Mr.A.Sai Rohith, learned Assistant Public Prosecutor for the State, reported no objection to record the compromise.

5. Petitioner and Respondent No.2 are present. A Joint Memo has been filed affixing the signatures of the Petitioner and Respondent No.2 as well as their respective Counsels. The Petitioner and Respondent No.2 have amicably settled the matter out of Court in terms of the mutual understanding arrived at between them.

6. In view of the settlement of the dispute between the Petitioner and Respondent No.2, the Criminal Revision Case is disposed of as compromised. Consequently, the conviction and sentence passed by the learned Judicial Magistrate of First Class, Special Mobile Court, Eluru, West Godavari dated 31.03.2017 in C.C.No.610 of 2016 as confirmed in Crl.A.No.144 of 2017 dated 05.02.2019 by the Special Judge for Trial of Cases under SCs and STs (POA) Act, 1989-cum-VIII Additional District and Sessions Judge, West Godavari, Eluru are hereby set aside. Hence, the Petitioner/Appellant/Accused is acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881.

7. The learned counsel for the Petitioner submits that the Petitioner, aged about 50 years, is a small peasant and is unable to bear the costs as directed by the Hon'ble Apex Court in **Damodar S. Prabhu v. Sayed Babalal H**¹. It is 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 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.

¹ (2010) 5 SCC 663

² (2014) 10 SCC 690

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

9. Accordingly, the I.A.Nos.2 and 3 of 2026 are allowed, and 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

Date: 04.08.2026
JLSR

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