

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.Rev.Pet.No. 3384 of 2003 ()

**AGAINST THE JUDGMENT IN CRL.A.NO.125/2002 of SESSIONS COURT, WAYANAD,
KALPETTA DATED 05.08.2003**

**AGAINST THE JUDGMENT IN C.C.NO.272/1999 of JUDICIAL FIRST CLASS
MAGISTRATE COURT - I, SULTHAN BATHERY DATED 26.07.2002**

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

**MOIDEEN KOYA, S/O ALI,
PAYYANIL KARALATH HOUSE,
EAST CHEERAL, S.BATHERY**

BY ADV. SMT.K.V.RESHMI

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. BEERAN, S/O. ABDURAHIMAN,
KOORIYADAN VEEDU, EAST CHEERAL,
S.BATHERY.**
- 2. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SMT.K.S.SANTHI
R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10-
03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Bb

K. Ramakrishnan, J.

=====

Crl.R.P.No.3384 of 2003

=====

Dated this, the 10th day of March, 2015.

O R D E R

Accused in C.C.No.272/1999 on the file of the Judicial First Class Magistrate Court - I, Sulthan Bathery is the revision petitioner herein. The case has been taken on file on the basis of private complaint filed by the first respondent against the revision petitioner alleging offence under Section 323 of Indian Penal Code. He was tried and convicted for the said offence and sentenced to undergo simple imprisonment for three months by the trial court. Though he filed Crl.Appeal No.125/2002 before the Sessions Court, Wayanad, the same ended in dismissal confirming the order of conviction and sentence by the impugned judgment by the Sessions Judge. Aggrieved by the same, the above revision has been filed by the revision petitioner - accused before the court below. During the pendency of the proceedings, the matter has been settled between the parties. They filed Crl.M.A.No.1270/2015 for permission to compound under Section 320(6) of Code of Criminal Procedure and Crl.M.A.No.1369/2015 to record

compounding under Section 320(1) of Code of Criminal Procedure and both these applications were allowed and permission was granted and compounding was recorded. Once the compounding is recorded, it will have the effect of a deemed acquittal under Section 320(8) of Code of Criminal Procedure and that benefit must be given to the revision petitioner.

So, the revision is allowed and the order of conviction and sentence passed by the Judicial First Class Magistrate - I, Sulthan Bathery in C.C.No.No.272/1999 and confirmed by the Sessions Judge in Crl.Appeal No.125/2002 of Sessions Court, Wayanad are set aside and the revision petitioner is acquitted of the charge levelled against him giving him the benefit of deemed acquittal under Section 320(8) of Code of Criminal Procedure in view of the recording of composition entered into between the parties. He is set at liberty. The bail bond if any executed by him will stand cancelled.

Office is directed to communicate this order to the concerned court immediately.

Sd/-
K.Ramakrishnan, Judge.

Bb

[True copy]

P.A to Judge