

THE HON'BLE SMT JUSTICE ANIS

CRL.R.C.M.P.No.964 OF 2015

and

CRL.R.C.No.1816 OF 2011

COMMON ORDER:

Heard learned counsel for petitioner and learned counsel for respondent No.1.

2. Crl.R.C.M.P.No.964 of 2015 along with joint memo is filed by the complainant and the accused stating that they settled the matter out of Court and that the complainant received Rs.1,50,000/- by way of Demand Draft bearing No.863672, dated 06-04-2015 drawn on State Bank of Hyderabad, High Court Branch, Hyderabad.

3. The criminal revision case is filed by the petitioner-accused aggrieved by the Judgment dated 29-08-2011 in Criminal Appeal No.18 of 2009 on the file of the I Additional District and Sessions Judge, Vizianagaram confirming the judgment of conviction and sentence dated 20-03-2009 in C.C.No.458 of 2006 on the file of Additional Judicial Magistrate of First Class, Vizianagaram.

4. The accused and the complainant present and their counsel identified them.

5. As per the expression of the Apex Court (3 Judges Bench) in **DAMODAR S. PRABHU v. SAYED BABULAL** guidelines are laid down in saying the compounding can be permitted at any stage, subject to application of the accused and subject to condition of deposit of costs either to legal services authority or other as the Court directs out of the cheque value specified i.e. up to 10% before the trial Court if not moved at the initial stage and up to 15%

before the Court of Session or High Court and thereafter before the Apex Court up to 20% and at para 17 of the Judgment it was held as part of the guidelines that the concerned Court can of course reduce the costs with regard to the special facts and circumstances while recording reasons in writing for such variance of said guidelines. Having regard to the above, by applying the prepositions to the present facts by imposing Rs.2,000/- (Rupees two thousand only) towards costs to the Chief Justice Relief Fund, subject to that permitting for compounding.

6. Accordingly and since compliance is made the criminal revision case and Crl.M.P.No.964 of 2015 are disposed of by recording compromise, compounding the offence and as a sequel the conviction judgment of trial Court confirmed by the first appellate Court, set aside as compounded. Having regard to the above, warrants issued, if any, against the revision petitioner-accused by the 1st appellate Court or trial Court are hereby cancelled for the matter ended in compromise and nothing remained to enforce or execute.

7. Since the main revision is disposed of, all the miscellaneous petitions pending in this appeal, if any shall stand closed.

JUSTICE ANIS

April 13, 2015

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