

THE HON'BLE MRS JUSTICE ANIS

CRL.R.C.M.P.No.2529 of 2014

And

CRL.R.C.No.1398 of 2007

ORDER:

This revision petition is filed by the appellant-accused aggrieved by the Judgment dated 10.10.2007 passed in Criminal Appeal No.106 of 2005 on the file of I Additional District and Sessions Judge, West Godavari District at Eluru confirming the judgment of conviction and sentence dated 19.04.2005 in C.C. No.177 of 2004 on the file of Judicial Magistrate of I Class, Special Mobile Court, Eluru.

2. Apart from the revision, both the complainant and the accused filed an application Crl.R.C.M.P.No.2529 of 2014 to record the memorandum of compromise and compound the offence in C.C. No.177 of 2004.

3. The accused and the complainant present in the Court and represented that they compromised the matter and filed petition for compounding. As per the expression of the Apex Court (3 Judges bench) in **Damodar S.Prabhu V. Sayed Babulal**^[1] guidelines are laid down holding that 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, upto 10% before the trial Court, if not moved at the initial stage, and upto 15% before the Court of Session or High Court and thereafter before the Apex Court upto 20%. At paragraph 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 propositions to the present facts by imposing Rs.5000/- towards costs to the Chief Justice Relief Fund, subject to that permitting for compounding.

3) Accordingly and since compliance is made, the CrI.R.C.M.P. is allowed and the criminal revision case is disposed of by recording compromise, compounding the offence and as a sequel the conviction judgment of trial Court as confirmed by the first appellate Court, is 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 as the matter ended in compromise and nothing remained to enforce or execute.

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

JUSTICE ANIS.

17th March, 2015
Js.

[\[1\]](#) (2010)5 SCC 31