

HON'BLE SMT JUSTICE ANIS
CRIMINAL REVISION CASE No.165 OF 2007

ORDER:

This revision filed by the revision petitioner-accused aggrieved by the Judgment dated 01.02.2007 in Criminal Appeal No.81 of 2006 on the file of X Additional District & Sessions Judge, Krishna at Machilipatnam, confirming the judgment of conviction and sentence dated 10.07.2006 in C.C. No.10 of 2005 on the file of Additional Judicial Magistrate of First Class, Avinigadda. Apart from the revision, both the complainant and the accused filed an application to record the memorandum of compromise and compound the offence in C.C. No.10 of 2005.

2. The accused and the complainant present 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 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, 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% and at para 17 of the Judgment it was held as part of the guidelines that the concerned Court can ofcourse 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 depositing Rs.10,000/- towards costs to the Chief Justice Relief Fund, subject to that permitting for compounding.

3. Accordingly and since compliance is made the criminal revision case is 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 first appellate Court or trial Court are hereby cancelled for 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.

ANIS, J

Date: 29.01.2015
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[\[1\]](#) (2010) 5 SCC 31