

HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.M.P. No.4477 of 2015

&

Criminal Revision Case No.2933 of 2015

ORDER:

The present revision is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 07-07-2014 passed in Crl.A.No.135 of 2009 on the file of the IV Additional District & Sessions Judge, Nellore, wherein the appeal filed by the revision petitioner – appellant was dismissed confirming the conviction and sentence recorded against the revision petitioner – appellant in the order dated 03-08-2009 in C.C.No.186 of 2006, on the file of the Special Judicial Magistrate of First Class for trial of Prohibition of Excise Offences, Nellore.

The first respondent – complainant filed Crl.P.M.P.SR.No.4477 of 2015 seeking permission of the Court to compound the offence and to compromise the matter in terms of Memorandum of Understanding dated 12-11-2015 respectively. The affidavit of the first respondent filed along with petition would disclose that, they have settled the matter out of court and therefore he intends to withdraw the criminal proceedings pending against the petitioner.

The petitioner - accused and the complainant are present before this Court and produced their identities and the same are verified by the learned Addl. Public Prosecutor. The complainant stated that on the advice of elders and well-wishers, himself and petitioner have compromised the matter out of Court and therefore he intends to withdraw the criminal proceedings pending against petitioner with free

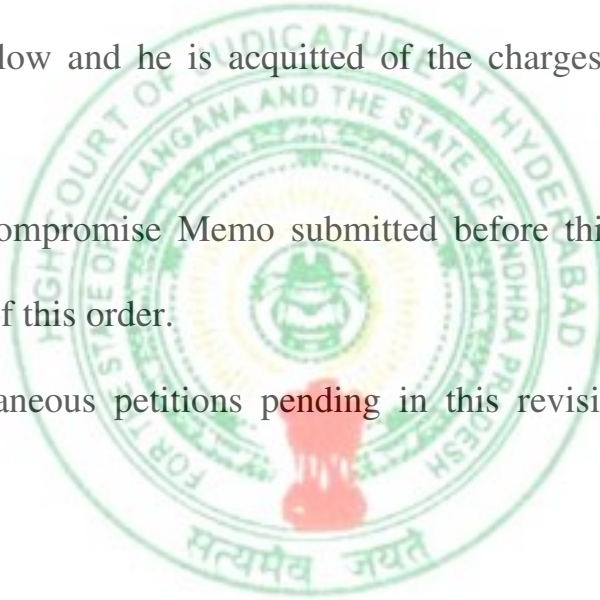
will and consent and there is no coercion or undue influence from any side for the same.

A perusal of the material papers on record shows that the dispute is purely personal in nature not involving any public policy. Therefore, the inherent powers of the Court can be invoked to put an end to the vexing litigation by taking a pragmatic view.

Accordingly, Crl.R.C.M.P. No.4477 of 2015 is ordered. Consequently, the present Criminal Revision Case is allowed by setting aside the conviction and sentence imposed on the revision petitioner by the Courts below and he is acquitted of the charges levelled against him.

Joint Compromise Memo submitted before this Court shall be made as part of this order.

Miscellaneous petitions pending in this revision, if any, shall stand closed.



RAJA ELANGO, J.

23rd November, 2015

skmr