

THE HON'BLE SMT JUSTICE ANIS

CRL.R.C.M.P.NO.1113 OF 2015

IN/AND

CRL.R.C.NO.784 OF 2006

COMMON ORDER :

CrI.R.C.M.P.No.1113 of 2015 is filed by the complainant and the accused stating that they have settled the matter out of Court and that the complainant received Rs.1,00,000/- out of Rs.1,63,991/- as full and final settlement and as such, he is ready to compromise the case.

2. The criminal revision case is filed by the petitioner-accused aggrieved by the Judgment dated 17.04.2006 in Criminal Appeal No.186 of 2005 on the file of the V Additional District & Sessions Judge, (III Fast Track Court), Nalgonda at Miryalguda, confirming the judgment of conviction and sentence dated 21.10.2005 in S.T.C.No.22 of 2004 on the file of the Judicial Magistrate of First Class, Huzurnagar.

3. The accused and the complainant present and their counsel identified them. The contents of the memorandum of compromise were readover and explained to both parties. Both the parties agreed for the compromise.

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

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.5,000/- towards costs to the

Chief Justice Relief Fund, subject to that permitting for compounding.

6. Accordingly and since the compliance is made, Crl.M.P.No.1113 of 2015 is ordered by compounding the offence. Consequently, the Crl.R.C. is allowed setting aside the conviction and sentence passed against the petitioner vide Judgment dated 17.04.2006 in Criminal Appeal No.186 of 2005 by the V Additional District & Sessions Judge, (III Fast Track Court), Nalgonda at Miryalguda and thereby, her bail bond shall stand cancelled. The petitioner is also entitled for refund of fine amount.

7. As a sequel thereto, Miscellaneous Petitions pending if any in this Crl.R.C. shall stand closed.

ANIS, J

28.04.2015

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