

HON'BLE SMT JUSTICE ANIS
Crl.M.P.Nos 1481 And 1482 of 2014

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In/And

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CRIMINAL REVISION CASE No.473 of 2007

ORDER:

The present revision is filed against an order dated 30-03-2007 passed in Crl.A.No.33 of 2004 on the file of the Sessions Judge, Vizianagaram dated 30-03-2007 confirming the conviction and modifying the sentence dated 11-03-2004 passed in C.C.No.32 of 2001 on the file of the Judicial Magistrate of First Class at Gajapathinagaram, Vizianagaram District.

The facts in issue are as under :

The petitioners are accused in C.C. No.32 of 2001 on the file of Judicial Magistrate of First Class, Gajapathinagaram, for the offences punishable under Sections 498-A and 348 IPC. By the judgment dated 11-03-2004 passed in C.C. No.32 of 2001, the accused were convicted for the offence under Section 498-A IPC and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- each and in default to pay fine amount to undergo Simple imprisonment for a period of two months. Further the accused were convicted for the offence under Section 348 IPC and sentenced to undergo simple imprisonment for a period of two months and also to pay fine of Rs.500/- each and in default to pay fine amount to undergo Simple imprisonment for a period of one month, with a direction to run both the sentences concurrently. Challenging the same, the accused preferred Crl.A.No.53 of 2004 before the Court of Sessions Judge, Vizianagaram. On 30-03-2007, the said lower Appellate Court confirmed the conviction and reduced the sentence of the trial court. Challenging the same, the present Revision is filed.

During the pendency of Revision, Criminal R.C.M.P.Nos 1481 and 1482 of 2014 are filed by the *de facto* complainant seeking permission of the Court to compound the offence and leave for such permission.

Today, both the *de facto* complainant and all the four accused are present before this Court and they are identified by their respective counsels.

The contents of compromise were read over to both the parties and both the parties reported that the contents are true and they are living together happily and they have no grievance. The affidavit of the *de facto complainant* filed along with the application also affirms the same.

In view of the compromise arrived at between the parties and as the offence under Sections 498-A and 348 IPC is compoundable with the permission of the court, the CrI.R.C.M.P.Nos 1481 and 1482 of 2014 seeking permission of the Court to compound the offence and leave for such permission, are allowed.

Accordingly, the CrI.R.C.M.P.Nos.1481 and 1482 of 2014 are ordered by compounding the offence. Consequently, the CrI.R.C. filed questioning the order dated 30-03-2007 passed in CrI.A.No.33 of 2004 on the file of the Sessions Judge, Vizianagaram confirming the conviction and modifying the sentence dated 11-03-2004 passed in C.C.No.32 of 2001 on the file of the Judicial Magistrate of First Class at Gajapathinagaram is allowed.

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

ANIS, J

19-02-2015
nvl