

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4349 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused No.1 aggrieved by the order, dated 12-11-2015 passed in C.F.R.No.263 of 2015 in Criminal Appeal No.358 of 2014 on the file of the III Additional Sessions Judge, Guntur, wherein the learned Sessions Judge rejected the application filed by the petitioner under Section 320(5) of Cr.P.C. for compounding the offences punishable under Sections 342, 324, 201, 197, 120-B read with Section 34 I.P.C.

The main grievance of the petitioner is that even though the parties have entered into compromise and compromise memo also filed before the court to compound the offences invoking the provision under Section 320(5) Cr.P.C., the same was rejected by the learned appellate Judge.

This Court heard the arguments and perused the material available on record.

The learned Sessions Judge passed the order in accordance with law. As per the order, the learned appellate Judge has rightly observed that the appellate court has no jurisdiction to compound the offences, when the offences are non-compoundable in nature. Unless and otherwise there is a direction from the High Court or the Apex Court to compound the offences even though the offences are non-compoundable in nature, the appellate court cannot compound the non-compoundable offences. Hence, this Court does not find fault

with the order passed by the appellate Court.

This Court perused the compromise petition filed before this Court and on enquiry, the complainant submitted before this Court that he intends to settle the issue with the accused person concerned.

Considering the said facts and circumstances, the appellate court is directed to allow the application filed by the petitioner-accused No.1 and permit the petitioner and the complainant to compound the offences and pass orders in accordance with law.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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RAJA ELANGO, J

Date: 29-03-2016

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