

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.A.M.P.Nos.1453 & 1454 of 2016

IN/AND

Crl.A.No.1288 OF 2008

COMMON JUDGMENT:

Criminal Appeal No.1288 of 2008, under Section 374(2) of the Code of Criminal Procedure, 1973, is directed against the judgment, dated 21.10.2008, in Sessions Case No.5/S/2008 on the file of the Special Judge for the Trial of Cases under S.Cs., & S.Ts., (POA) Act, 1989, Guntur whereunder and whereby, appellant herein/accused was found guilty for the offences punishable under Section 323 I.P.C. and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and was accordingly, convicted and sentenced to undergo simple imprisonment for a period of three months for the offence under Section 323 I.P.C., and further sentenced to undergo simple imprisonment for a period of four years and to pay a fine of Rs.100/- and in default of payment of fine, to undergo simple imprisonment for a period of ten days for the offence punishable under Section 3(1)(x) of the S.Cs., & S.Ts., (POA) Act.

2. Heard and perused the material on record.

3. The *de facto* complainant/P.W.1 filed Crl.A.M.P.No.1453 of 2016 to permit him to file a petition to compound the offence with the appellant in Crl.A.No.1288 of 2008. He also filed Crl.A.M.P.No.1454 of 2016 to permit him to compound the offence with the appellant in Crl.A.No.1288 of 2008, as the matter was

settled out of Court amicably with the advice of elders and well wishers and hence, he is not inclined to prosecute the case further.

4. Both parties are present and they are identified by their respective counsel. The *de facto* complainant reported that he has no objection for allowing this Criminal Appeal in view of the amicable settlement of the matter outside the Court. In the light of the facts and circumstances involved in the present case and particularly, in view of the settlement arrived at in the present case and the dictum laid in ***GIAN SINGH VS. STATE OF PUNJAB AND ANOTHER***¹, which is squarely applicable to the facts of the case on hand, this Court is of the view that as the parties to the dispute settled the matter amicably, it is a fit case wherein the conviction and sentence imposed by the trial Court on the appellant/accused can be set aside.

5. In the above circumstances and in view of the compromise arrived at between the parties, CrI.A.M.P.Nos.1453 and 1454 of 2016 are ordered and the Criminal Appeal is allowed setting aside the judgment, dated 21.10.2008, in Sessions Case No.5/S/2008 on the file of the Special Judge for the Trial of Cases under S.Cs., & S.Ts., (POA) Act, 1989, Guntur. Consequently, the appellant/accused is acquitted for the offences punishable under Section 323 I.P.C. and under 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The fine amount, if any, paid by the appellant/accused shall be refunded to him. The appellant/accused shall be released forthwith, if he is not required in any other crime.

¹ (2012) 10 SCC 303

6. Miscellaneous petitions pending, if any, in this Criminal Appeal shall stand closed.

JUSTICE RAJA ELANGO

20.9.2016
AMD



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Date: 20.9.2016

AMD