

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.M.P.No.4008 of 2015**

**IN/AND**

**CRIMINAL REVISION CASE No.788 of 2007**

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**ORDER:**

The above Criminal Revision Case is filed by the petitioner-accused against judgment, dated 15.06.2007, passed in Crl.A. No.14 of 2006 by the VI Additional District & Sessions Judge, Ranga Reddy District at Vikarabad (Fast Track Court), confirming the conviction and sentence imposed by the Assistant Sessions Judge, Vikarabad, R.R. District, in S.C.No.229 of 2005, vide judgment dated 28.09.2006, wherein the learned Assistant Sessions Judge found the petitioner guilty of the offence under Section 354 IPC and convicted and sentenced him to undergo rigorous imprisonment for a period of three (3) years and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for (15) days.

The case of the prosecution in brief is as follows:

The victim – M. Amrutha and the petitioner belong to the same village and that on 14.04.2005 at about 6.00 p.m., when the victim was returning from the agricultural field, the petitioner went and asked her one mango and when the victim replied that she has no mangoes, the petitioner caught hold of her hands, pushed her into a pit and laid on the ground and tried to outrage her modesty. Upon hearing the hues and cries of the victim, one Qayyum went there and on seeing him the petitioner escaped from the scene of offence. On 18.04.2005, the victim went to the police station at Chengomul and lodged a complaint against the petitioner. The Head Constable registered a case in Crime No.18 of 2005 against the petitioner for the offence under Section 354 IPC. The Sub-Inspector of Police arrested the accused on 26.04.2005 and sent him for judicial custody and laid charge sheet, after completion of investigation.

The Judicial Magistrate of First Class, Pargi, took cognizance of the case for the offences under Sections 354 and 323 IPC and after

complying with the provisions of Section 207 Cr.P.C., committed the case to the court of Sessions and thereafter, the case was made over to the trial Court for disposal in accordance with law. On appearance of the petitioner, the charges for the offence under Sections 354 and 323 PC were read over and explained to him, for which he pleaded not guilty and claimed to be tried.

During the course of trial, P.Ws.1 to 7 were examined and Exs.P1 to P4 were marked on behalf of the prosecution. On behalf of the petitioner, D.W.1 was examined and no documents were marked on his behalf.

On appreciation of oral and documentary evidence, the trial Court having found the petitioner guilty for the offence under Section 354 IPC, convicted and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.500/- in default to suffer simple imprisonment for a period of (15) days. Aggrieved by the conviction and sentence imposed by the trial Court, the petitioner filed Crl.A. No.14 of 2006 before the VI Additional District & Sessions Judge, R.R. District at Vikarabad. The learned District & Sessions Judge, after re-appreciating the evidence on record, dismissed the appeal by confirming the conviction and sentence recorded by the trial Court, vide judgment impugned. Challenging the same, the present revision case is filed.

When this matter has come up for hearing, the above Crl.R.C.M.P. is filed by the victim seeking permission to compound the case. The victim and the petitioner filed a joint memo and also separate affidavits. It is stated in the affidavit of the victim that the matter was settled before the elders and therefore, she does not intend to proceed further in the matter and she has no grievance against the petitioner. The petitioner and the victim, who appeared before this Court, submitted through their respective Counsel that they have entered into a compromise and therefore, the compromise may be recorded and the petitioner - accused may be acquitted for the offence

under Section 354 IPC.

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, this Court is of the view that as the parties to the dispute settled the issues amicably, it is a fit case wherein the conviction and sentence imposed by the trial Court, as confirmed by the lower appellate Court, on the petitioner - accused can be set aside.

In the result, the Crl.R.C.M.P.No.4008 of 2015 is ordered and the Criminal Revision Case is allowed setting aside the conviction and the sentence imposed against the petitioner for the offence under Section 354 IPC, by the Assistant Sessions Judge, Vikarabad in S.C.No.229 of 2005, vide judgment dated 28.09.2006, as confirmed by the Additional District & Sessions Judge, Ranga Reddy District, Vikarabad, in Crl.A. No.14 of 2006 vide judgment, dated 15.06.2007. Consequently, the petitioner - accused is acquitted for the said charge. The fine amount, paid if any, shall be refunded to him. Bail bonds shall stand cancelled and the sureties are discharged.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

**July 18, 2016.**

**CTL**