

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.439 of 2013 & CRLRCM.P.No.655 of 2016

ORDER:

This Criminal Revision Case is directed against the judgment dated 22-02-2013 passed in Criminal Appeal No.186 of 2011, whereby the learned VI Additional Sessions Judge-cum-Fast Track Court, Narsapur, while dismissing the said appeal, confirmed the judgment dated 29-07-2011 in C.C.No.237 of 2012 passed by the Judicial Magistrate of First Class, Palakol.

On perusal of the entire evidence, both oral and documentary, the learned Judicial Magistrate of First Class, Palakol, in C.C.No.237 of 2012, found the revision petitioner-accused guilty of the offence punishable under Section 498-A I.P.C. and accordingly convicted and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to suffer simple imprisonment for a period of three months. In an appeal being Criminal Appeal No.186 of 2011 preferred by the revision petitioner-accused against the aforesaid conviction and sentence, the learned VI Additional Sessions Judge, Narsapur, by judgment dated 22-02-2013, dismissed the said appeal confirming the judgment of the trial Court. Aggrieved by the same, the revision petitioner-accused preferred this criminal revision.

When this matter is taken up for hearing, it is brought to the notice of this Court by the learned Counsel for the parties that the parties have entered into compromise at the instance of elders and to that effect they filed a joint compromise memo. The said joint compromise memo, which is signed by the parties and their

Counsel, is accompanied by a petition i.e., CrI.M.P.No.655 of 2016. The revision petitioner-accused and the 2nd respondent-*de facto* complainant, were present before this Court. The 2nd respondent-

de facto complainant has stated in the memorandum of compromise that the matter has been settled amicably and she is no longer interested in prosecuting the case and, therefore, she requested the Court to record the compromise and acquit the revision petitioner-accused for the offence with which he was charged.

After hearing the learned Counsel for both sides as well as the parties, this Court is satisfied that the parties have settled the dispute amicably.

In the light of the compromise arrived at between the parties, the joint compromise memo filed by both the parties is recorded and CrI.RC.MP.No.655 of 2016 is ordered.

The Criminal Revision Case is accordingly allowed and the conviction and sentence passed against the revision petitioner-accused by Judgment dated 29-07-2011 in C.C.No.237 of 2007 by the Judicial Magistrate of First Class, Palakol as confirmed by the appellate Court, are hereby set aside and the revision petitioner-accused is acquitted under Section 320 (8) Cr.P.C., of the offence with which he was charged. Fine amount, if any, paid by the revision petitioner-accused shall be refunded to him.

M.S.K.JAISWAL, J

Date: 10-02-2016

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