

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.M.P.Nos.3185 & 3186 of 2014**

**IN/AND**

**Crl.R.C.No.840 OF 2013**

**COMMON ORDER:**

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This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 by the petitioner/appellant/accused seeking to set aside the judgment, dated 15.4.2013, in Criminal Appeal No.82 of 2012 on the file of the Sessions Judge, Mahabubnagar arising out of the judgment, dated 24.9.2012, in Sessions Case No.378 of 2011 on the file of the Assistant Sessions Judge, Narayanpet.

2. Heard and perused the material on record.

3. The offences alleged against the petitioner are punishable under Sections 366 and 376 I.P.C. *Vide* judgment in Sessions Case No.378 of 2011, he was found guilty for the offence under Section 366 I.P.C., and found not guilty for the offence punishable under Section 376 I.P.C. and accordingly, he was sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.500/- in default, to undergo simple imprisonment for a period of one month for the offence punishable under Section 366 I.P.C. Aggrieved thereby, he preferred the aforementioned appeal and the same was partly allowed by reducing the sentence of imprisonment from five years to three years while confirming the sentence of fine. Challenging the same, the present Revision Case is filed by the appellant.

4. The petitioner filed Crl.R.C.M.P.No.3185 of 2014 to permit him to compromise the matter with respondent No.2/*de facto* complainant by recording the compromise entered into between himself and the *de facto* complainant. The petitioner also filed Crl.R.C.M.P.No.3186 of 2014 to allow the Criminal Revision Case by setting aside the order of

the trial Court, which has been partly confirmed by the lower appellate Court, by recording the compromise entered into between them. Respondent No.2 also reported that she has no objection for allowing the Revision Case in view of the amicable settlement of issues outside the Court.

5. Both parties are present and they are identified by their respective counsel. 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* <sup>[1]</sup>, 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 issues amicably, it is a fit case wherein the conviction and sentence imposed by the trial Court on the accused can be set aside.

6. In the above circumstances and in view of the compromise arrived at between the parties, CrI.R.C.M.P.Nos.3185 and 3186 of 2014 are ordered and the Criminal Revision Case is allowed setting aside the judgment, dated 24.9.2012, in Sessions Case No.378 of 2011 on the file of the Assistant Sessions Judge, Narayanpet, which was partly confirmed in the judgment, dated 15.4.2013, in Criminal Appeal No.82 of 2012 on the file of the Sessions Judge, Mahabubnagar. Consequently, the accused is acquitted for the offence punishable under Section 366 I.P.C. The fine amount, if any, paid shall be refunded to him. Bail bonds shall stand cancelled and the sureties are discharged.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

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**JUSTICE RAJA ELANGO**

25.7.2016  
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**Date: 25.7.2016**

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[\[1\]](#) (2012) 10 SCC 303