HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL R.C.M.P.No.743 of 2016 and CRIMINAL REVISION CASE No.611 of 2015

ORDER:

The present revision is filed questioning the judgment dated 13.04.2015 passed in Crl.A.No.386 of 2014 on the file of the XI Additional District and Sessions Judge, Tenali, confirming the conviction and sentence passed against accused No.1 in C.C.No.315 of 2009 on the file of the I Additional Judicial Magistrate of First Class, Tenali.

The facts in issue are as under :

The petitioner is accused No.1 in C.C. No.315 of 2009 on the file of the I Additional Judicial Magistrate of First Class, Tenali, for the offences punishable under Section 498-A read with 34 IPC. By its judgment dated 30.09.2014 passed in C.C.No.315 of 2009, the accused Nos.1 to 5 were convicted under Section 498-A IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- each in default simple imprisonment for a period of one month each. Challenging the same, the accused preferred Crl.A.No.386 of 2014 before the XI Additional District and Sessions Judge, Tenali. On 13.04.2015 the said lower Appellate Court confirmed the order of the trial court insofar as accused No.1 is concerned and acquitted accused Nos.2 to 5. Challenging the same, the present Revision is filed by accused No.1.

Pending the revision, the parties have compromised the matter which lead to filing of Crl.R.C.M.P.No.743 of 2016 seeking permission of the Court to compound the offence.

Today respondent No.2 and the petitioner are present in the court and they were identified by their respective counsel namely Sri

N.Srihari and S.Satish Babu. When examined, respondent No.1 respondent No.2 stated that she has settled the matter with the petitioner and is not interested in pursuing the matter. The affidavit filed by respondent No.2 also indicates the same.

The Andhra Pradesh Act 11 of 2003 which came into effect from 01.08.2003 vide G.O.Ms.No.95, Law (LA & J Home (Courts-B), dated 01.08.2003 made the offence under Section 498-A IPC compoundable with the permission of the Court.

In view of the fact that there is a settlement between the parties and as the offence under Section 498-A IPC is compoundable with the permission of the court, Crl.R.C.M.P.No.743 of 2016 seeking permission of the Court for compounding the offence is allowed.

Accordingly, the Crl.R.C.M.P.No.743 of 2016 is ordered by compounding the offence. Consequently, the Criminal Revision Case which has been filed questioning the judgment dated 13.04.2015 passed in Crl.A.No.386 of 2014 on the file of the XI Additional District and Sessions Judge, Tenali, confirming the conviction and sentence passed against the petitioner in C.C.No.315 of 2009 on the file of the I Additional Judicial Magistrate of First Class, Tenali, is allowed and accused No.1 is acquitted of the said offence.

As a sequel thereto, Miscellaneous Petitions pending, if any, in this Crl.R.C. shall stand closed.

C. PRAVEEN KUMAR, J

18.02.2016
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