

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CrI.R.C.MP.No.3485 of 2017

in/ and

CrI.R.C.No.2171 of 2015

COMMON ORDER:

The Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity) is filed assailing the judgment, dated 28.09.2015, of the learned II Additional District Judge, Guntur, passed in CrI.A.No.112 of 2014. By the said judgment, the learned Additional District Judge, while dismissing the said appeal, confirmed the conviction of the petitioner-accused recorded in the judgment, dated 26.03.2014, of the learned Special Mobile Magistrate, Guntur, passed in C.C.No.166 of 2012.

2. In the pending criminal revision case, the petitioner-accused and the 1st respondent-complainant filed CrI.R.C.M.P.No.3485 of 2017 under Section 147 read with Section 482 of the Code requesting to permit to compound the offences and record the compromise and, accordingly, acquit the petitioner-accused, in view of the compromise entered into between the petitioner-accused and the 1st respondent-complainant.

3. The petitioner-accused and the 1st respondent/complainant, are present before this Court. They produced copies of their respective identity proofs. They are also identified by the learned counsel for the petitioner/accused. Both the parties stated that they have amicably settled the matter and further asserted the terms of the compromise. They have also stated that the terms of compromise are reduced into writing in the form of a joint memo enclosed to CrI.R.C.M.P.no.3485 of 2017 and sought

permission to compound the offence and requested to allow the Criminal Revision Case and acquit the accused by setting aside the judgment of the Court below, whereby, the judgment of the trial Court is confirmed.

4. The 1st respondent-complainant further stated that he received towards full and final settlement, the amount due and payable to him by the petitioner-accused and that he has no objection if the offences are compounded and the compromise is recorded and the Criminal Revision Case is allowed as prayed for by both of them.

5. Further, in compliance of the guidelines in the decisions in Damodar S. Prabhu v. Sayed Babalal¹ and R. Vijayan v. Baby², the petitioner paid a sum of Rs.35,000/- (10% of the cheque amount) to the credit of the Secretary, High Court Legal Services Committee, by way of Demand Draft bearing No.887177, dated 27.07.2017, *vide*, Receipt No.872 dated 27.07.2017.

6. In the circumstances, CrI.R.C.MP.No.3485 of 2017 is allowed and the petitioner-accused and the 1st respondent-complainant are permitted to compound the offences. Consequently, the Criminal Revision Case is allowed and the judgment, dated 27.07.2017, of the learned II Additional Sessions Judge, Guntur, passed in CrI.A.No.112 of 2014, whereby the judgment, dated 26.03.2014, of the learned Special Mobile Magistrate, Guntur, passed in C.C.No.166 of 2012 was confirmed, is set aside and the petitioner-accused is acquitted of the offence/s of which he was found

¹ 2010 (5) SCC 663

² 2012(1) SCC 260

guilty. His bail bonds shall stand cancelled. The Joint Memo filed by the parties shall form part of this order.

Miscellaneous petitions pending, if any, shall stand closed.

M.Seetharama Murthi, J

27th July, 2017
RAR

