

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Cr1.R.C.M.P.No.2573 of 2017

in

CRIMINAL REVISION CASE No.1316 of 2017

COMMON ORDER:

The revision case is filed under Sections 397 and 401 of Cr.P.C., assailing the judgment, dated 18-01-2017 in Cr1.A.No.95 of 2015 on the file of the I Additional Metropolitan Sessions Judge, Visakhapatnam.

2. By the said judgment, the learned I Additional Metropolitan Sessions Judge, Visakhapatnam, while dismissing the said appeal confirmed the judgment of conviction, dated 23-02-2015 in C.C.No.192 of 2014 on the file of the Special Magistrate-IV, Visakhapatnam though altered sentence.

3. On 15-06-2017, when the matter was taken up for hearing, the learned counsel for the petitioner/accused and the learned counsel for the 1st respondent/complainant submitted in the presence of the accused and the complainant, who were present in the Court on that day, that both parties arrived at an amicable settlement and that CRL.R.C.M.P.No.2573 of 2017 was filed by the 1st respondent/complainant requesting to compound the offence(s) and allow the Revision and acquit the accused. On the representations that the accused is prepared to deposit 10% of the cheque amount, this Court permitted to do so as

per the decisions in **Damodar S. Prabhu v. Sayed Babalal**¹ and **R. Vijayan v. Baby**².

4. Further, on that day, the petitioner/accused and the 1st respondent/complainant produced copies of their identity proofs and their counsel also identified them, And, they both stated that as they are closely related, at the intervention of elders, they have voluntarily and amicably settled the matter without any force from any quarter and that the amount due and payable to the complainant was paid by the accused and that no further amount is due and payable. The 1st respondent/complainant in fact filed an affidavit, wherein the terms of compromise were reduced into writing. Accordingly, having affirmed and admitted the terms of compromise, they sought permission to compound the offence(s) and requested the Court to allow the revision and set aside the judgment of appellate Court, whereby the judgment of conviction of the trial Court was confirmed, and prayed for acquitting the accused. However, since time was sought for making the deposit of 10% of the cheque amount, their further presence is dispensed with and the matter was adjourned to facilitate the making of the deposit of the 10% of the cheque amount with a direction to list the matter for consideration and passing orders.

5. Today, learned counsel for both parties are present; and, it is stated that 10% of the cheque amount was paid by

¹ 2010 (5) SCC 663

² 2012(1) SCC 260

way of Demand Draft bearing No.132827, dated 04-07-2017 to the Secretary, High Court Legal Services Committee and that the receipt No.852, dated 10-07-2017, is filed into Registry by Memo in U.S.R.No.3730 of 2017.

6. Since both parties admitted the terms of compromise on 15-07-2017 and their further presence before this Court is dispensed with and as the matter is coming for consideration and passing orders, the learned counsel prayed for disposal of the Revision Case in terms of compromise.

7. In the circumstances, CrI.R.C.M.P.No.2573 of 2017 is allowed and the 1st respondent/ complainant is permitted to compound the offence(s). Consequently, Criminal Revision Case is allowed and judgment, dated 18-01-2017 in CrI.A.No.95 of 2015 passed by the I Additional Metropolitan Sessions Judge, Visakhapatnam, confirming the judgment, dated 23-02-2015 in C.C.No.192 of 2014 on the file of the court of Special Magistrate-IV, Visakhapatnam is set aside and the petitioner/accused is acquitted of the offence(s) for which he was found guilty. His bail bonds shall stand cancelled. The affidavit filed by the 1st respondent showing the terms of compromise shall form part of this order.

The Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

M. SEETHARAMA MURTI, J

July 24, 2017

Pn

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI



Crl.R.C.M.P.No.2573 of 2017
in
CRIMINAL REVISION CASE No.1316 of 2017

July 24, 2017

Pn