

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.8198 of 2017

ORDER:

Assailing the order dated 16.08.2017 passed in CrI.M.P.No.276 of 2017 in Criminal Appeal No.289 of 2016 by the IV Additional District & Sessions Judge, Tanuku, wherein the application filed by the petitioner seeking to compound the offence was rejected, the present petition came to be filed.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

As seen from the record, the petitioner was convicted in C.C.No.467 of 2013 by the Judicial Magistrate of First Class, Tanuku, for the offence punishable under Section 326 of Indian Penal Code and was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.2,000/-. As against the same, petitioner preferred an appeal wherein he filed the impugned application under Section 320 (5) of the Code of Criminal Procedure seeking permission to compound the offence. Dismissal of the said application led to filing of the present criminal petition.

Learned counsel for the petitioner would submit that the appellate Court failed to consider the ratio laid down by the Apex Court in ***Nanda Gopalan vs. State of Kerala***¹ and thereby dismissed the impugned application. Thus, he submits that the appellate Court may be directed to consider the ratio laid down by the Apex Court in *Nanda Gopalan case*.

¹ (2015) 11 SCC 137

Having regard to the same, the Criminal Petition is disposed of directing the appellate Court to consider the ratio laid down by the Apex Court in *Nanda Gopalan case* (referred supra), as well, while disposing of the appeal, in accordance with law.

Miscellaneous petitions pending in this petition, if any, shall also stand closed.

C.PRAVEEN KUMAR, J

18.09.2017
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