

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Crl.R.C.MP.No.1011 of 2017

in/ and

Crl.R.C.No.613 of 2017

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 31.01.2017, of the learned I Additional Metropolitan Sessions Judge, Visakhapatnam, passed in Crl.A.No.166 of 2015, whereby the learned Sessions Judge dismissed the said appeal and confirmed the conviction of the petitioner-accused recorded in the judgment, dated 17.04.2015, of the learned Special Magistrate – IV, Visakhapatnam, passed in C.C.No.174 of 2014, but, however, altered the nature and extent of sentence imposed against the petitioner/accused.

2. Pending the criminal revision case, the petitioner-accused and the 1st respondent-complainant filed Crl.R.C.MP.No.1011 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 complainant, that is, the 1st respondent in the revision case are present today before this Court. They produced copies of their respective identity proofs. They are also identified by their respective counsel. 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 and a joint memo is filed along with the above said Crl.R.C.M.P.No.1011 of 2017. Thus, they 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 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.2,22,000/- (10% of the cheque amount) to the credit of the Chief Justice's Relief Fund, High Court of Judicature at Hyderabad for the State of Telangana and the State of A.P., by way of Demand Draft bearing No.399703, dated 23.03.2017, *vide*, Receipt No.125 dated 28.04.2017.

6. In the circumstances, Crl.R.C.MP.No.1011 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 31.01.2017, of the learned I Additional Metropolitan Sessions Judge, Visakhapatnam, passed in Crl.A.No.166 of 2015, whereby the judgment, dated 17.04.2015, of the learned Special

¹ 2010 (5) SCC 663

² 2012(1) SCC 260

Magistrate – IV, Visakhapatnam, passed in C.C.No.174 of 2014 was confirmed, is set aside and the petitioner-accused is acquitted of the offence/s of which he was found 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

19th June, 2017

Note:-

Furnish C.C. by 27.06.2017.

(B/O)

Bvv

