

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CrI.R.C.MP.No.3359 of 2017
in/and
CrI.R.C.No.1574 of 2015

COMMON ORDER:

The Criminal Revision Case is filed, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the CrPC', for short) assailing the judgment, dated 04.08.2015, passed in Criminal Appeal No.157 of 2011 on the file of the Court of the learned XV Additional Sessions Judge, Nuzvid.

By the said judgment, the learned Additional Sessions Judge, while dismissing the said appeal confirmed the conviction recorded and sentence imposed against the petitioner/ accused, in the judgment, dated 13.10.2011, in C.C.No.40 of 2011 rendered by the learned Additional Judicial Magistrate of First Class, Tiruvuru.

In the pending revision, the petitioner-accused and the 1st respondent – complainant filed CrI.R.C.M.P.No.3359 of 2017 requesting for permission to compound the offence and allow the criminal revision case; set aside the judgment of the Court below whereby the judgment of the trial Court is confirmed; and, accordingly acquit the petitioner-accused.

When the matter was taken up, the petitioner-accused and the 1st respondent-complainant are present. They produced copies of their respective identity proofs. They are also identified by their respective counsel.

When examined by the Court, they stated that they amicably settled the matter and that in pursuance of the said settlement, the petitioner/ accused paid a sum of Rs.1,90,000/- to the 1st respondent/ complainant and the same is received by him towards full and final settlement. The 1st respondent/ complainant stated that no further amounts are due to him from

the petitioner-accused. They asserted and affirmed the terms of the compromise and stated that they have voluntarily and willingly entered into compromise without any force or pressure from any quarter.

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 High Court Legal Services Committee by way of Demand Draft bearing No.887043 drawn on the Secretary, High Court Legal Services Committee *vide*, Receipt No.869, dated 25.07.2017.

In the circumstances, CrI.RC.MP.No.3359 of 2017 is allowed and the petitioner-accused and the 1st respondent-complainant are permitted to compound the offence. Consequently, Criminal Revision Case is allowed and the judgment, dated 04.08.2015, passed in Criminal Appeal No.157 of 2011 on the file of the Court of the learned XV Additional Sessions Judge, Nuzvid, whereby, the judgment of conviction, dated 13.10.2011, recorded in C.C.No.40 of 2011 by the learned Additional Judicial Magistrate of First Class, Tiruvuru, was confirmed 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 compromise petition shall form part of this order.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

25.07.2017
Vjl

¹ 2010 (5) SCC 663

² 2012(1) SCC 260