

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A. No.4 OF 2017

IN/AND

CRIMINAL REVISION CASE No.3292 OF 2017

COMMON JUDGMENT:

The learned VI Additional Chief Metropolitan Magistrate, Hyderabad, convicted the revision petitioner - accused viz., Mohammed Akthar, under Section 248 (2) of the Code of Criminal Procedure, 1973 (for short 'Code'), in C.C. No.391 of 2013 for the offence punishable under Section 324 of Indian Penal Code, 1860 (for short 'IPC'), and sentenced him to undergo simple imprisonment for a period of six (6) months, by the judgment dated 30.11.2015.

2. When the revision petitioner carried the matter to the lower appellate Court, the learned Metropolitan Sessions Judge, Hyderabad, dismissed the appeal, in Criminal Appeal No.983 of 2015, by the judgment, dated 03.03.2016, confirming the trial Court's judgment, but modified the sentence of imprisonment to two (2) months from six (6) months. Aggrieved over the same, the present Criminal Revision Case is preferred.

3. However, I.A. No.4 of 2017 is filed by the *de facto* complainant viz., Mohammed Azhar praying to permit him to compound the offence against the revision petitioner as they settled

the matter amicably by entering into compromise at the intervention of their elders since the revision petitioner is his real elder brother, and, therefore, requests to acquit the revision petitioner in view of the compromise by setting side the conviction and the sentence imposed against him by the Courts below.

4. Sri V.V. Anil Kumar, learned counsel for the revision petitioner - accused, would submit that Smt. Anjum Vaseena, who is wife of the revision petitioner, entered into compromise with the *de facto* complainant, since the revision petitioner is in jail, at the instance of their elders and well-wishers and settled the dispute amicably, and to that effect the *de facto* complainant filed the affidavit along with the petition to compound the offence, and, therefore, requests to permit the *de facto* complainant to compound the offence against the revision petitioner by recording the compromise and to allow the present revision setting aside the conviction recorded against the revision petitioner including the sentence of imprisonment inflicted by the Courts below.

5. Both parties i.e., the *de facto* complainant viz., Mohammed Azhar and Smt. Anjum Waseena, wife of the revision petitioner are present along with their counsel, Sri V.V. Anil Kumar, and the parties are identified by the counsel. Even with reference to identity of the parties, they produced their “Aadhaar Cards” and the Court Officer

verified their identity. The parties and their respective counsel have also signed on the case bundle.

6. On being asked, the *de facto* complainant and the wife of the revision petitioner report that they have compromised the matter by entering into the settlement as referred to above and, therefore, request to record the compromise permitting the *de facto* complainant to compound the offence against the revision petitioner, and to allow the present revision setting aside the conviction recorded against the revision petitioner by the Courts below.

7. Admittedly, the revision petitioner is in jail serving out the sentence. He was committed to the custody of the Superintendent of Central Prison, Chanchalguda, Hyderabad, on 14.12.2017. Hence, Smt. Anjum Waseena, wife of the revision petitioner, is permitted to enter into compromise. Since both parties have affirmed the compromise entered into and request to compound the offence, I.A. No.4 of 2017 is allowed recording the compromise between the parties by permitting the *de facto* complainant to compound the offence punishable under Section 324 of IPC, against the revision petitioner, and, accordingly, the offence registered against the revision petitioner - accused is compounded.

8. Consequently, the Criminal Revision Case is allowed, at the admission stage itself, in terms of the compromise recorded by setting aside the conviction recorded by the trial Court as affirmed by the lower appellate Court including the sentence of imprisonment inflicted on the revision petitioner viz., Mohammed Akthar, for the offence punishable under Section 324 of Indian Penal Code, 1860, and consequently he is acquitted under Section 320(2) of the Code of Criminal Procedure, 1973. The revision petitioner is directed to be released forthwith, if he is not required in any other case. The bail bonds, if any, furnished by the revision petitioner shall stand cancelled.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand closed.

A. SHANKAR NARAYANA, J

December 27, 2017.

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