

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1049 OF 2005

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

The present Criminal Revision Case is filed questioning the judgment in CrI.A.No.202 of 2003, dated 01.07.2005 on the file of the Court of Sessions Judge, Mahila Court, Vijayawada confirming the judgment passed in C.C.No.322 of 2002, dated 29.09.2003 on the file of IV Metropolitan Magistrate, Vijayawada convicting the petitioner for the offence under Section 498-A I.P.C. and sentencing him to undergo simple imprisonment for six months and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for one month.

The facts in brief are that the petitioner has been charged for the offence under Section 498-A I.P.C. The trial Court, after appreciating the evidence available on record, convicted the petitioner in C.C.No.322 of 2002 by judgment dated 29.09.2003. Aggrieved by the same, the petitioner filed CrI.A.No.202 of 2003 on the file of Court of Sessions Judge, Mahila Court, Vijayawada. After hearing, the appeal was also dismissed by judgment dated 01.07.2005. Aggrieved by the same, the present Criminal Revision Case is filed.

During the course of hearing, the learned counsel appearing for the petitioner brought to the notice of this Court that the matter has been compromised before the Lok Adalath, Vijayawada

vide P.L.C.No.266 of 2005 whereunder the de facto complainant agreed to withdraw the pending criminal cases against the petitioner. In fact, the parties have also obtained a decree of divorce in O.P.No.73 of 2002, dated 01.11.2002. Subsequently, they have married and living independently with their spouses. In fact, from the date of registration of the crime till the date of granting of bail by this Court, the petitioner was in judicial custody for a period of 37 days in three different spells i.e. from 19.03.2002 to 20.03.2002; 29.09.2003 to 27.10.2003; & 01.07.2005 to 08.07.2005. The learned counsel for the petitioner also submitted that the de facto complainant though received a sum of Rs.2,39,500/- through her father, is not coming forward to compound the offence. In fact, the counsel placed on record the proof regarding the payment of said amounts to the de facto complainant through her father in the form of two Demand Drafts for a sum of Rs.1,17,975/- and Rs.82,025/-, apart from Rs.28,500/- paid in cash. The said facts have been borne out from the affidavit filed by the father of the petitioner herein before the District Judge at Guntur. Unless the de facto complainant comes forward and files an appropriate application, the proceedings cannot be compounded.

However, keeping in view the compromise effected between the parties and also the period of imprisonment already undergone by the petitioner, this Court deems it fit to put a quietus to the proceedings in the interest of justice.

Accordingly, the Criminal Revision Case is dismissed confirming the judgment in CrI.A.No.202 of 2003, dated

01.07.2005 on the file of the Court of Sessions Judge, Mahila Court, Vijayawada, confirming the conviction passed in C.C.No.322 of 2002, dated 29.09.2003 on the file of IV Metropolitan Magistrate, Vijayawada. However, the sentence of imprisonment is modified to that of the period already undergone by the petitioner.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHA VA RAO,J

28th AUGUST 2018.
Tsr

