

THE HON'BLE SRI JUSTICE N.BALAYOGI

I.A. No.2 of 2018
&
Criminal Revision Case No.845 of 2017

ORDER:

The present revision is filed under Sections 397 and 401 Cr.P.C. questioning the judgment, dated 03-03-2017 passed in CrI.A.No.133 of 2014 on the file of the III Additional District & Sessions Judge, Nellore, wherein the appeal filed by the revision petitioner – appellant was dismissed confirming the conviction and sentence recorded against the revision petitioner – appellant in the order dated 03-07-2014 passed in C.C.No.202 of 2013, on the file of the Special Judicial Magistrate of I Class for Trial of Prohibition & Excise Offences, Nellore.

The second respondent – complainant filed I.A. No.2 of 2018 seeking permission of the Court to compound the offence and to compromise the matter in terms of Joint Memo. The affidavit of the second respondent filed along with petition would disclose that the petitioner agreed to pay an amount of Rs.2,50,000/- to the 2nd respondent in full and final satisfaction of all the claims and the 2nd respondent has agreed for the same and has no objection for allowing the revision by compounding the offence. The affidavit further discloses that the petitioner paid the amount of Rs.1,38,500/- to the 2nd respondent through D.D. No.190926, dated 31.7.2017, which was encashed by the 2nd respondent and the remanding amount of Rs.1,11,500/- was given by mode of cash and the same was also

received by the 2nd respondent. Hence, the second respondent – complainant submits that she has no objection for getting the case closed against the accused.

The petitioner - accused and the complainant are present before this Court and they are identified by their counsel. The complainant states that at the instance of elders and well-wishers, herself and petitioner have compromised the matter out of Court and therefore she intends to withdraw the criminal proceedings pending against petitioner with free will and consent and there is no coercion or undue influence from any side for the same. The affidavit filed in support of the petition also indicate the same.

Having regard to the facts and circumstances of the case, I.A. No.2 of 2018 is ordered. Consequently, the present Criminal Revision Case is allowed by setting aside the conviction and sentence imposed on the petitioner in C.C. No.202 of 2013 on the file of the Special Judicial Magistrate of I Class for Trial of Prohibition & Excise Offences, Nellore, which was confirmed CrI.A.No.133 of 2014 on the file of the III Additional District & Sessions Judge, Nellore.

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

JUSTICE N.BALAYOGI

28th August, 2018

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