

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

I.A.Nos.1 and 2 of 2018

IN/AND

CRIMINAL APPEAL No.413 of 2017

COMMON ORDER :

Pending disposal of the appeal impugning the trial court's conviction judgment dated 07.04.2017 in S.C.No.805/2013 for the offences punishable under Section 365 r/w 511 of IPC of three years rigorous imprisonment and to pay a fine of Rs.5,000/- each with default sentence, the accused/appellant and 2nd respondent/*de facto* complainant to the appeal having present sought permission of the Court to compound the offence in I.A.No.1 of 2018 and to record compromise in I.A.No.2 of 2018, in the appeal the *de facto* complainant T.Mallika was not impleaded as party thereby invoking Section 482 Cr.P.C. she is impleaded as respondent No.2 and Registry to carryout necessary amendment, the *de facto* complainant present and stated that the case is settled outside the Court amicably through elders pending appeal.

It is the plea of A.2 that having already removed from service he is not in a position to survive for want of sufficient means and so far as compensation to the State towards costs for investigation sought for setting aside in the appeal.

Accordingly, the appeal is allowed subject to payment of Rs.20,000/- in favour of Army Welfare Fund. Since proof i.e. D.D.No.311393, dated 08.04.2019 is filed, appeal is allowed setting aside the trial Court's conviction Judgment dated 07.04.2017

and accused/appellants are acquitted, bail bonds cancelled and fine amount ordered to be refunded. Registry is directed to send the said Demand Draft to the Army Head Quarters.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

8th April, 2019.
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