

MHKO030083042022



ORDER BELOW EXH. 1
S. C. C.NO.5916/2022

1. Today before panel of Lokadalat the learned Advocate of the complainant appeared. The learned counsel for the complainant submitted that complainant is willing to withdraw the case as the amicable settlement between accused and complainant has been taken place. Therefore, the complainant appeared and moved Pursis vide Exh.4 and willing to withdraw the case before this panel of Lokadalat. Undoubtedly, accused is absent but in view of the landmark case of Hon'ble Kerala High Court i.e. **Y.B.Baizu Vs State of Kerala, 2008 Cri.L.J. 928**, wherein it is held that the language of provision of the section 320 of Cr.P.C. indicates clearly and convincingly that the composition contemplated under section 320 of Cr.P.C. is unilateral and not bilateral. Option is given to the person mention in column No.3 (which a perusal of table will show is essentially a victim) to compound the offence. Telltale indications are available from language employed under section 320 of Cr.P.C. that the composition is and can be unilateral on the part of victim. There is nothing in the language employed in section 320 of Cr.P.C. to indicate that the composition bilateral.

2. Having been infiltrated through ratio cited supra, I am to state that it is no more res-integra that compounding of case may be unilateral. Thus, no need to have pursis or affiliation by the accused for compounding or settlement of the case. Thus, accepting the pursis filed by the complainant and his Advocate, I hold that the compound before Lokadalat is acceptable. Hence, in view of Exh.4 we reckon to pass following order.

..2..

ORDER

1. The complaint stands disposed off vide section 257 of the Code of Criminal Procedure.
2. The accused are acquitted of the offence punishable under section 25 of Payment & Settlement Systems Act, 2007.
3. Their bail bond stands canceled, if any.
4. Court fees be refunded as per rules.

Date: 09/12/2023

(Smt. P. B. Patil)
5th Judicial Magistrate First Class &
Head of the Panel No.8,
Lok-Adalat, Kolhapur.