

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>IA No.2/2023 (Compounding Application) In C482 No. 134 of 2023 <b><u>Hon'ble Sharad Kumar Sharma, J.</u></b> Mr. Deep Prakash Bhatt, Advocate for the applicant. Mrs. Mamta Joshi, Brief Holder for the State. Mr. Ajay Joshi, Advocate for respondent no. 2. The applicant and the complainant-respondent no. 2 are present in-person, who were being duly identified by their respective counsels. The challenge by the present applicant, though, who is not the named accused person in the FIR, and whose name has only figured during the course of investigation, as reflected in the Charge-sheet No. 43 of 2022 dated 15.07.2022, as submitted against him for his alleged involvement in the commission of offence under Section 420 of IPC and Section 66D of the Information Technology Act, 2008. On submission of the charge-sheet, and the consequential summoning order dated 14.09.2022 has been issued by the Judicial Magistrate, Tanakpur, District Champawat in Criminal Case No. 381 of 2022, "State vs. Faiz Alam". This Court interacted with the complainant because the principal set of allegations which were levelled were pertaining to attracting the offences under Section 420 of IPC and Section 66D of the Information Technology Act, it was with regard to the non-remittance of the amount, as referred to in the FIR by the complainant to be to the tune of Rs. 81,996/-.</p>

			<p>In the compounding application, which has been duly signed by both the parties and verified by their respective counsels, the complainant has made a specific statement in the affidavit, filed in support thereto, that the total amount, which was payable and referred to in the FIR, has been received by him, which has been paid by the present applicant and hence, they seek composition of the offence under Section 320 of the Code of Criminal Procedure.</p> <p>The offence under Section 420 of IPC is compoundable under Section 320 of the Code of Criminal Procedure, coupled with the fact that offence under Section 66D of Information Technology Act is compoundable under Section 77A of the Information Technology Act, 2000.</p> <p>Since both the offences are compoundable and the parties have unanimously resolved to settle the dispute, as no controversy survives as of now, owing to the statement made by the complainant, the present compounding application would stand allowed, and, as a consequence thereto, the proceedings of Criminal Case No.381 of 2022, “State vs. Faiz Alam”, pending consideration before the Judicial Magistrate, Tanakpur, District Champawat, would hereby stand dropped.</p> <p style="text-align: right;"><b>(Sharad Kumar Sharma, J.)</b> Vacation Judge 27.01.2023</p> <p>RV</p>
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