

| SL.<br>No | Date | Office Notes,<br>reports, orders or<br>proceedings or<br>directions and<br>Registrar's order<br>with Signatures | COURT'S OR JUDGES'S ORDERS  |
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|           |      |   | <p>C482 No. 1881 of 2022<br/>With<br/>IA No. 1 of 2022<br/><b><u>Hon'ble Sharad Kumar Sharma, J.</u></b></p> <p>Ms. Bina Pande, Advocate, for the applicant.</p> <p>Mr. Atul Kumar Shah, Deputy A.G., with<br/>Mrs. Lata Negi, Brief Holder, for the State of<br/>Uttarakhand.</p> <p>Mrs. Preeta Bhatt, Advocate, for respondent<br/>No.2.</p> <p>The parties to the proceedings are present in<br/>person. They have been duly identified by their<br/>respective counsels.</p> <p>This Court even has interacted with the<br/>complainant, Keshav Lal Tamta, who had made a<br/>candid statement before this Court, that owing to<br/>the settlement, which has been arrived at between<br/>the parties, he does not intend to further proceed<br/>with the Criminal Case No. 455 of 2021, State Vs.<br/>Saroj Singh, which is pending consideration before<br/>the Court of Chief Judicial Magistrate, Bageshwar,<br/>where the applicant is being tried for the offences<br/>under Sections 420, 120-B of the IPC and under<br/>Section 66D of the Information Technology<br/>(Amendment) Act, 2008.</p> <p>After having heard the learned counsel for<br/>the parties and having scrutinized the contents of<br/>the Compounding Application No. 1 of 2022, which</p> |

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|  |  | <p>has been duly signed by both the parties and their respective counsels, and the contents of which, would be inclusive of the terms of the settlement, which has been verified by the respective counsels, and particularly in the light of the statement made by the complainant, that he has already received the entire money, which was due to be paid and was subject matter of the proceedings under Section 420 of the IPC, he intends to withdraw the proceedings.</p> <p>Learned Deputy Advocate General, opposes the Compounding Application, on the ground, that so far as the offence under Section 66D of the Information Technology Act, is concerned, it is not compoundable.</p> <p>So far as the tenability of the offence under Sections 420 and 120-B of the IPC is concerned, the parties to the proceedings, including the Deputy Advocate General, are not at dispute. The offence under Section 66D of the Information Technology Act, carries a sentence of maximum period of three years.</p> <p>In that eventuality, all the offences under the said Act, which carries a sentence of maximum period of three years' would be compoundable as per the provisions contained under Section 77A of the Information Technology Act.</p> <p>Owing to the aforesaid contention, and after having gone through the contents of the Compounding Application, and particularly, the statement, which has been recorded by the</p> |
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|  |  |  | <p>complainant, the present C-482 Application would stand closed.</p> <p>As a consequence thereto, the proceedings of Criminal Case No. 445 of 2021, State Vs. Saroj Singh, presently pending consideration before the Court of Chief Judicial Magistrate, Bageshwar, would hereby stand dropped, in terms of the Compounding Application.</p> <p>Accordingly, the C482 Application stands disposed of.</p> <p style="text-align: right;"><b>(Sharad Kumar Sharma, J.)</b></p> <p>Dated 15.10.2022<br/>Shiv</p> |
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