

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>11.09.2023</u>		CRLR No. 628 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Mohd. Umar, Advocate, for the revisionists. Mr. K.S. Bora, Deputy Advocate General, for the State. Mr. Zakir Ali, Advocate, for the respondent. The instant Criminal Revision has been preferred by the revisionists as against an order dated 05.08.2023, as it has been rendered in Criminal Appeal No. 72 of 2017, Gama and others Vs. State, whereby as a consequence thereto, it was resulting into an affirmation of an order dated 07.03.2017, which was passed by the Court of Additional Chief Judicial Magistrate in Criminal Case No. 4203 of 2013, whereby the revisionists have been convicted under Section 452 of IPC and they have been directed to undergo a sentence of 6 months rigorous imprisonment along with fine of Rs. 2,000/- and in an event of default, they have been further directed to undergo one month of imprisonment. For the offence under Section 323 of IPC, they have been sentenced to undergo 6 months of rigorous imprisonment and for the offences under Section 427 of IPC, they have been sentenced to undergo 6 months of rigorous imprisonment and for

		Section 504 and 506, they have been sentenced to undergo 6 months of rigorous imprisonment. All the sentences have been directed to run concurrently. The instant Criminal Revision is accompanied with the Compounding Application (IA/1/2023), which has been duly signed by all the parties and their thumb impressions appearing on it have been identified by the respective counsels, who are appearing on behalf of the revisionists. The complainant respondent No. 2 has appeared in person who has submitted that the dispute took place on account of the election of pradhan, which took place in village in question, of which all the parties are the residents i.e. village Parmanandpur Dabhora Mustakham Kashipur, District Udham Singh Nagar. In the Compounding Application, they have submitted that since it was a political dispute, due to which an incident has taken place on a rage of political interest, it had resulted into causing injury to the victim i.e. complainant respondent No. 2 herein, and the complainant respondent No. 2, in the presence of the applicants has submitted that the actual assault was made by Gama and Rizwan i.e. the revisionist Nos. 2 & 3 herein, which is a fact not denied by them. Except for the offence under Section 452 of IPC, rest of the offences are compoundable under Section 320 of CrPC.
--	--	--

			In order to bring peace amongst them, as well as in the village in question of which they are residing and looking to the seriousness of allegation levelled pertaining to the commission of offence under Section 452, this Court is of the view that a pragmatic view has to be taken in order to resolve the controversy for all times to come based upon the terms of the Compounding Application and the averments made therein. Consequently, the Compounding Application would stand allowed and as result thereto, the judgment of conviction, as rendered against the present revisionists would stand quashed, as a consequence of the effect of sub Section (8) of Section 320 of CrPC. But, being conscious of the fact that the offence under Section 452 of IPC, since apparently it relates to the non-compoundable offence which will be compounded subject to the following conditions: “1. That the applicant Nos. 2 and 3, would be planting 10 trees, each, in an area to be identified by the Horticulture Department of their District, to which they belong, at their own cost. 2. The plantation of the trees would be made in the respective areas, from which they belong, under the supervision of the Horticulture Department. 3. It is only upon the submission of the certificate of the planting of the 10 trees to be issued by the competent
--	--	--	--

			authority of the Horticulture Department, which has to be submitted before the competent court ceased with the criminal proceedings, its then only the proceedings would be dropped, in compliance of the today's order passed in the present Criminal Revision. 4. If the aforesaid compliance is not made within a period of one month from today, it will automatically result into the revival of the aforesaid criminal proceedings. 5. If at any stage, any Officer of the Horticulture Department is found to have issued a fraudulent certificate, he would be criminally dealt with in accordance with law." In view of the above, Criminal Revision would stand disposed of and as a consequence thereto, the judgment of conviction, as under challenge in the Revision would hereby stand quashed in the light of the provisions contained under sub Section (8) of Section 320 of CrPC. (Sharad Kumar Sharma, J.) 11.09.2023 Mahinder/
--	--	--	---