

Court No. - 12

Case :- CRIMINAL REVISION No. - 137 of 2008

Revisionist :- Ram Ujagar

Opposite Party :- Ram Surat And 9 Ors.

Counsel for Revisionist :- I.B. Singh

Counsel for Opposite Party :- Naveen Kumar Pandey

and

Neutral Citation No. - 2023:AHC-LKO:81686

Case :- CRIMINAL APPEAL No. - 262 of 2008

Appellant :- Ram Ujagar And others.

Respondent :- State of U.P.

Counsel for Appellant :- I.B.Singh, Atul Chaturvedi, Sajeet Singh

Counsel for Respondent :- Govt. Advocate

and

Neutral Citation No. - 2023:AHC-LKO:81686

Case :- CRIMINAL APPEAL No. - 317 of 2008

Appellant :- Rampal And Ors.

Respondent :- State of U.P.

Counsel for Appellant :- I.B.Singh, Sajeet Singh

Counsel for Respondent :- Govt. Advocate

Hon'ble Rajeev Singh, J.

1. Vakalatnama filed by Mr. Pankaj Kumar Singh, Advocate on behalf of respondent nos. 1, 2, 3, 5, 9, 10 in Criminal Revision No. 137 of 2008 is taken on record.

2. Vakalatnama filed by Mr. Sajeet Kumar Singh, Advocate on behalf of revisionist in Criminal Revision No. 137 of 2008 is taken on record.

3. Heard Mr. Sajeet Kumar Singh, learned counsel for the revisionist/appellants, Mr. Pankaj Kumar Singh, learned counsel for the respondent nos. 1, 2, 3, 5, 9, 10 (in CrI. Revision No. 137 of 2008) as well as learned A.G.A. for the state and perused the record.

4. The Criminal Revision No. 137 of 2008 has been filed for quashing the judgment & order dated 23.01.2008 passed by

learned Additional Sessions Judge/F.T.C. No. 3, Gonda in S.T. No. 06 of 1990 arising out of Case Crime No. 48-A of 1988 U/s 147, 148, 149, 336, 307 I.P.C., Police Station- Itiathok, District-Gonda; for convicting and sentencing the accused persons after recording the finding of guilt of them or in alternative to remand the case back to the trial court with a direction to record the finding of guilt of the accused persons and to convict them.

5. The Criminal Appeal No. 262 of 2008 has been filed for quashing the judgment & order dated 24.01.2008 passed by learned Additional Sessions Judge/F.T.C. Court No. 3, Gonda in S.T. No. 286 of 1989 (***State Vs. Ram Ujagar and others***) arising out of Case Crime No. 48 of 1988 under Sections 147, 148, 149, 307, 336 I.P.C., Police Station- Itiathok, District Gonda, convicting and sentencing the appellants under Section 147 I.P.C. for one year rigorous imprisonment and a fine of Rs. 1,000/- each and in case of default of payment of fine further to undergo three months rigorous imprisonment, all the appellants under Section 148 I.P.C. for one year rigorous imprisonment and a fine of Rs. 2,000/- each in case of default of payment of fine further six months rigorous imprisonment, and all the appellants under Section 336 I.P.C. for two months Rigorous Imprisonment, and all the appellants under Section 307/149 for eight year rigorous imprisonment and fine of Rs. 10,000/- in case of default of fine further one year rigorous imprisonment.

6. The Criminal Appeal No. 317 of 2008 has been filed for quashing the judgment & order dated 24.01.2008 passed by learned Additional Sessions Judge/F.T.C Court no. 3, Gonda in S.T. No. 286 of 1989 (***State Vs. Ram Ujagar and others***) arising out case Crime No. 48 of 1988 under sections 147, 148, 149, 307, 336 I.P.C, Police Station- Itiathok, District Gonda, convicting and sentencing the appellants under section 147 I.P.C for one years rigorous imprisonment and fine of Rs. 1,000/- each in case of default of payment of fine further three months rigorous imprisonment, all the appellants under Section 148 I.P.C for one year rigorous imprisonment and fine of Rs. 2,000/- each in case of default of payment of fine further six months rigorous imprisonment, and all the appellants under Section 336 I.P.C for two months rigorous imprisonment, and all the appellants under Section 307/149 for eight year rigorous imprisonment and fine of Rs. 10,000/- in case of default of fine further one year rigorous imprisonment.

7. As all the cases are related to one incident, therefore, all are being decided by a common order.

8. Ram Ujagar (who is revisionist in Crl. Revision No. 137 of 2008 and appellant in Crl. Appeal No. 262 of 2008) and

Respondent nos. 1, 2, 3, 5, 9, 10 (in Crl. Revision No. 137 of 2008) are present today before this Court. They concede this fact that one compromise dated 12.01.2023 was signed by informant of the case i.e. Crime No. 48 of 1988 which is subject matter of Crl. Appeal 262 of 2008 and Crl. Appeal No. 317 of 2008.

9. It is informed that in Crl. Revision No. 137 of 2008, private respondents- Ram Tej s/o Nankoo, Ram Prati s/o Nankoo, Tilak Ram s/o Ram Raj, Moti s/o Ran Udit; in Crl. Appeal No. 262 of 2008, appellant- Satya Ram s/o Mahadev and in Crl. Appeal No. 317 of 2008, Ramsuphal s/o Bindra are no more.

10. The compromise dated 12.01.2023 was duly signed by Ram Ujagar, Ram Karan, Bihari, Bachraj, Rampal and by Ram Surat & Ram Bhawan (legal heirs of Nankoo), Smt. Gaura Devi (legal heir of Rampreet).

11. Learned counsels for the parties concede this fact that the alleged incident occurred in the year 1988 and all the related persons i.e. appellants, revisionist, victim, private respondents in aforesaid cases are senior citizens, and they request that all the cases may be decided in terms of the compromise signed by the parties on 12.01.2023.

12. Relying on the decision of Hon'ble Apex Court in the case of ***Ramawatar vs. State of M.P.*** reported in ***(2021) AIR (SC) 5228***, learned counsels for the parties also submit that by invoking the provisions of Section 482 Cr.P.C., all the cases can be decided in terms of the aforesaid compromise as all the parties are residing cordially in the said village. It is, thus, submitted that the proceedings may be dropped.

13. Learned A.G.A. does not dispute on the legal pronouncement of Hon'ble Apex Court in the case of ***Ramawatar vs. State of M.P. (supra)***. He also does not dispute on the aforesaid compromise executed between the parties.

14. Considering the submissions of learned counsels for the parties and going through the contents of above revision & appeals, contents of aforesaid compromise, statements given by the above-mentioned persons those are present today before this Court; this Court is of the view that the Criminal Revision No. 137 of 2008 in relation to S.T. No. 06 of 1990 arising out of Case Crime No. 48-A of 1988 U/s 147, 148, 149, 336, 307 I.P.C., Police Station Itiathok, District- Gonda is hereby **dismissed** in terms of aforesaid compromise.

15. The Criminal Appeal No. 262 of 2008 and Criminal Appeal

No. 317 of 2008 in relation to S.T. No. 286 of 1989 (***State Vs. Ram Ujagar and others***) arising out of Case Crime No. 48 of 1988 under Sections 147, 148, 149, 307, 336 I.P.C., Police Station- Itiathok, District Gonda are **allowed**.

16. The judgement & order passed by learned Additional Sessions Judge/F.T.C. No. 3, Gonda on 23/24.01.2008 is hereby **quashed** in terms of aforesaid compromise.

17. Office is directed to communicate this order to the trial court, forthwith.

Order Date :- 12.12.2023

Arpan