

GAHC010152932023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Crl.Rev.P./55/2024**

HELLAL UDDIN AND ANR  
S/O LATE DUDU MIA

2: MOIMUN NESSA  
W/O HELLAL UDDIN  
BOTH ARE R/O VILL.-MEDAL (CHANDPUR)  
P.S. AND DIST.-KARIMGANJ (ASSAM)

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY THE PP, ASSAM.

2:REZIYA KHANAM  
W/O LATE JALAL UDDIN  
R/O VILL.-MEDAL (CHANDPUR)  
P.O.-MEDAL PART-I  
P.S.AND DIST.-KARIMGANJ  
ASSA  
. PIN-788711

**Advocate for the Petitioner : MS. R CHOUDHURY**

**Advocate for the Respondent :**

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**16.02.2024**

Heard Ms R Choudhury, learned counsel for the petitioners, Mr R R Kaushik,

learned Additional Public Prosecutor for the State of Assam/respondent No. 1 and Mr J Laskar, learned counsel for the respondent No. 2.

2. The petitioners, 1) Hellal Uddin and 2) Moimun Nessa have filed this application under Sections 397/401 CrPC, challenging the legality and propriety of the Judgment and Order dated 21.12.2018, passed by the learned Sessions Judge, Karimganj, in Criminal Appeal No. 01(1)/2016, upholding the Judgment and Order dated 29.12.2015, passed by the learned SDJM, Karimganj, in GR Case No. 315/2010, convicting the petitioner No. 1, Hellal Uddin under Sections 354 IPC and sentenced to undergo Simple Imprisonment for 2 years, under Section 323 IPC to undergo Simple Imprisonment for 3 months and under Section 341 IPC, to undergo Simple Imprisonment for 1 month. The petitioner No. 2, M Nessa was convicted under Section 323 IPC and sentenced to undergo Simple Imprisonment for 3 months and under Section 341 IPC, to undergo Simple Imprisonment for one month.

3. The respondent No. 2, Reziya Khanam and the petitioners have amicably settled their dispute and an affidavit was filed on behalf of the respondent No. 2 that the petitioners and the respondent No. 2 are family members. They belong to the same family and are related by blood. The incident occurred way back in the year 2010 and the FIR was lodged by the respondent No. 2, which was finally registered as Karimganj PS Case No. 145/2010. Thereafter, GR Case No. 315/2010 was registered. Trial commenced and the witnesses were examined and finally, the petitioners were convicted

by the learned trial Court and the Judgment and Order dated 29.12.2015, passed in connection with GR Case No. 315/2010 was upheld by the learned Sessions Judge, Karimganj, vide order dated 21.12.2018, in Criminal Appeal No. 01(1) of 2016.

4. It is submitted on behalf of the petitioners that the offences under which the petitioners are convicted are compoundable offences and as per Section 320 (6) CrPC, a High Court or Court of Session acting in the exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this section, and as per Section 320 (2) CrPC, and the table of offence also includes Section 354 of the IPC. The petitioners and respondents have also annexed the Deed of Compromise, marked as Annexure-A, appended along with the additional affidavit, filed by the respondent No. 2.

5. It is also submitted that much water has flowed under the bridge. Both the parties have buried their hatchet and they are living peacefully together, being family members.

6. I have considered the submission that there is no instance of any previous conviction.

7. I have also considered the submission that both the parties have amicably settled their dispute and they are residing peacefully, being relatives.

8. In the wake of the foregoing discussions, and considering the deed of compromise executed between both the parties, I deem it proper to set aside the order of conviction dated 29.12.2015, passed by the learned SDJM, Karimganj, in connection with GR Case

No. 315/2010. The petitioners are acquitted from the charges under Sections 354,323,341 IPC. Consequentially, the Judgment and Order dated 21.12.2018, passed by the learned Sessions Judge, Karimganj, in connection with Criminal Appeal No. 01(1)/2016, is also set aside.

9. The petitioners are set at liberty forthwith.

**JUDGE**

**Comparing Assistant**