IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 917 OF 2024

1. Ramdas Sakharam Jarhad
Age: 63 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

2. Dnyandev Sakharam Jarhad
Age: 62 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

3. Vinod Dnyandev Jarhad
Age: 30 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

4. Kailas Ramdas Jarhad
Age: 31 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna. ….Appellants
(Orig. Accused No.1, 2, 4 & 5)

Versus

1. The State of Maharashtra,
Through Officer In-charge,
Police Station, Ambad,
District Jalna.

2. Shivnath Narayan Patole
Age: 70 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna. …..Respondents
(Compensation is awarded to
Respondent No.2)

WITH

CRIMINAL APPLICATION NO. 641 OF 2026
IN APPEAL/917/2024

1. Ramdas Sakharam Jarhad
Age: 65 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

2. Dnyandev Sakharam Jarhad
Age: 62 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

3. Vinod Dnyandev Jarhad
Age: 32 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

4. Kailas Ramdas Jarhad
Age: 33 years, Occu.: Agril.,
R/o. Parada, Tq.Ambad, District Jalna.

[Applicant nos.2 to 4 are in Chhatrapati Sambhajinagar Central Prison] ….Applicants
(Orig. Accused No.1, 2, 4 & 5)

Versus

1. The State of Maharashtra,
Through Officer In-charge,
Police Station, Ambad,
District Jalna.

2. Shivnath Narayan Patole
Age: 72 years, Occu.: Nil,
R/o. Parada, Tq.Ambad, District Jalna.

3. Bhanudas Narayanrao Patole
Age: 70 years, Occu.: Agriculture,
R/o: Parada, Tq.Ambad, District Jalna. …..Respondents
(Respondent Nos.2 & 3 are the injured witnesses & Respondent No.3 is informant)

WITH

CRIMINAL APPLICATION NO. 4630 OF 2025
IN APPEAL/917/2024

Ramdas Sakharam Jarhad
Age: 63 years, Occu.: Agriculture,
R/o. Parada, Tq.Ambad, District Jalna. ….Applicant
(Accused No.1)

Versus

The State of Maharashtra,
Through Officer In-charge,
Police Station, Ambad,
District Jalna.

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Mr. Sudarshan J. Salunke, Advocate for Appellants/Applicants.
Mrs. Chaitali Chaudhari Kutti, APP for Respondent No.1/State.
Ms. Prajakta P. Deshmukh, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 01 SEPTEMBER, 2026
PRONOUNCED ON : 03 SEPTEMBER, 2026

JUDGMENT :

1. In this Appeal, there is challenge to the judgment and order of conviction rendered by learned Additional Sessions Judge, Ambad dated 19.04.2024 in Sessions Case No. 41 of 2021 (Old Sessions Case No. 29 of 2017), recording guilt of the appellants for offences under Sections 307 r/w 149, 324 r/w 149, 143 and 148 of IPC.

2. In trial court, prosecution was launched against in all six persons in consequence to registration of crime bearing no. 83 of 2014 for above offences on allegations that, on 23.05.2014, accused persons named in the FIR came armed with sticks, questioned informant's brother Shivnath as to why his son Somnath teased their

daughter and thereafter, after hurling abuses, they assaulted by means of sticks on the head of Shivnath, who fell unconscious. When informant Bhanudas went to rescue, at that time, he was also assaulted by means of sticks. Accused, who were duly chargesheeted, were tried vide Sessions Case No. 41 of 2021 and the same ended up in conviction for above offences. Hence, instant appeal.

3. During pendency of the appeal, appellants, namely Ramdas, Dnyandev, Vinod and Kailas, vide Criminal Application No. 641 of 2026, are praying to acquit them in the light of compromise reached between the complainant and the accused. In support of such compromise, apart from affidavits of the parties, judgments of Hon'ble Apex Court in the case of ***Ramgopal and another v. State of M.P.*** [2022 (1) Mh.L.J. (Cri.) (SC) 291]; ***Ramawatar v. State of Madhya Pradesh*** [AIR 2021 SC 5228] and a Full Bench judgment of this Court in the case of ***Maya Sanjay Khandare and another v. State of Maharashtra*** [2021 (1) Mh.L.J. (Cri) 1] are taken aid of.

4. Criminal Application No. 4630 of 2025 was pressed into service by one of the accused, i.e. Ramdas, for suspension of sentence and grant of temporary bail on medical grounds and the said prayer

was granted by this Court by order dated 15.10.2025 allowing temporary bail for a period of three month, but the same was time to time extended.

5. Today, arguments are heard on permissibility of compromise in an appeal challenging the judgment and order of conviction for offence under Section 307 of IPC.

6. Learned counsel Mr. Salunke pointed out that, during pendency of appeal, parties have reached to an amicable settlement. Normalcy has been restored in their relations and now parties, on their own accord, have decided to bury the differences and they have placed on record affidavits to that extent which are duly verified by the learned Registrar (Judicial) of this Court. In support of compromise, he sought reliance on the above referred rulings which he has placed on record.

7. In the alternative, he would submit that, if this Court is not inclined to accept the compromise and acquit the accused, then, in view of compromise, accused persons be let off by reducing the sentence to the period already undergone which, according to him, is

permissible by considering it as a mitigating circumstance. He pointed out that, appellant Ramdas is 65 years of age and he himself is a patient of paralysis. That, appellant Dnyandev is also of similar age. Moreover, each of the appellants have undergone over 26 months of incarceration each. Hence, he urges for releasing the appellants by reducing the sentence to the period already undergone.

8. Learned counsel for respondent/injured concedes regarding compromise between the parties having taken place and respondent/injured having no objection if the appellants are acquitted or released by reducing their sentence to the period already undergone.

9. Learned APP would strongly oppose by pointing out that compromise is impermissible in view of conviction being recorded for serious offence like Section 307 IPC. She would point out that, injured was rendered paralytic. That, had he not received medical aid, the offence would have been of murder. Consequently, in the light of gravity of the offence, she urges to reject the prayers for both, compromise as well as letting off the accused persons on already undergone sentence. In support of her contention that reliance

cannot be placed on a precedent without discussing whether it was rendered in same factual and legal background, and that the words in earlier judgments cannot be interpreted as statutes, learned APP placed reliance on the decisions of the Hon'ble Apex Court in the cases of ***Haryana Financial Corporation and another v. Jagdamba Oil Mills and another*** (2002) 3 SCC 496; ***Ashwani Kumar Singh v. U. P. Public Service Commission and others*** AIR 2003 SC 2661 and ***Vanashakti v. Union of India*** 2026 INSC 761.

10. In the light of above, the question which arose for consideration is whether, in an appeal against conviction, parties can be allowed to compound or compromise *inter se* between themselves an offence under Section 307 IPC which is proved to be committed.

11. On going through the evidence on record, it is emerging from the FIR that, alleged occurrence is of 23.05.2014 at around 07.00 to 07.30 p.m. Informant PW1 Bhanudas, who himself is an injured, deposed at Exhibit 66 narrating the role of each of the accused for assaulting Shivnath as well as himself by means of sticks. His injury certificate is at Exhibit 102. He seems to have suffered injury over parietal region of the head, but nature of injury is certified to be simple.

12. PW4 Shivnath, who is examined at Exhibit 77, has also named appellants visiting their house and carrying out assault by means of sticks. PW6 medical expert deposed about this witness being brought in the casualty with fresh injury which was grievous in nature. In para 2, it is stated that Shivnath was neurologically serious with glasgow coma scale which falls under very serious coma condition and on the CT Scan finding, he was operated. Medical expert deposed that he found extradural hematoma bilaterally with sub-arachnoid hamorrhage and defuse axonal injury and his brain was damaged. Doctor testified that the patient cannot recover fully and said injury causes permanent disabilities to some organs.

13. Apart from above two injured witnesses' account, prosecution seems to have adduced evidence of PW5 Nandu who is direct eye witness and he testified about seeing accused come armed with sticks, Somnath being questioned for teasing girl, and he saw assault being mounted by means of sticks. He has also named and marked presence of accused appellants.

14. Thus, here, there is evidence of very two injured witnesses and an independent eye witness. The injuries suffered by PW4 Shivnath

are indeed grievous in nature. The impact of the said injury is clarified by the medical expert PW6, who had occasion to treat him. Taking the gravity of the offence into consideration and the manner and mode of assault, this Court is not inclined to accept prayers of the accused for permitting compounding or compromise and to acquit them.

15. Learned counsel for the appellants has raised prayers in alternative that, if this Court is not inclined to acquit the accused on the strength of compromise, then at least the appellants be let off by reducing the sentence to the period already undergone and according to him, compromise can be taken into account as a mitigating circumstance.

16. In the light of above, it would be appropriate to deal with the judicial precedent regarding prayers for reducing the sentence to the period already undergone, i.e. while dealing with an appeal against conviction.

17. A useful reference can be made to the judgment of Hon'ble Apex Court in the case of ***Ishwar Singh v. State of M.P.*** AIR 2009 SC

675 and it is worthwhile to reproduce relevant para 15, which is as under :

> *"15. In our considered opinion, it would not be appropriate to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which, the court may keep in mind."*

Again in the judgment in ***Unnikrishnan alias Unnikuttan v. State of Kerala*** AIR 2017 SC 1745, the Hon'ble Apex Court observed as under :

> *"10. In series of decisions i.e. in* ***Bharat Sing v. State of MP, and others*** *1990 (Supp) SCC 62;* ***Ramlal v. State of J. and K.*** *(1999) 2 SCC 213;* ***Puttaswamy v. State of Karnataka and another*** *(2009) 1 SCC 711, this Court allowed the parties to compound the offence even though the offence is a non-compoundable depending on the facts and circumstances of each case. In some cases this Court while imposing the fine amount reduced the sentence to the period already undergone." (emphasis laid)*

Further, reference can also be made to the judgment of the Hon'ble Apex Court in the case of ***Bhagwan Narayan Gaikwad v. State of Maharashtra*** AIR OnLine 2021 SC 743, wherein, in para 28, following observations are made :

> *"28. Giving punishment to the wrong doer is the heart of the criminal justice delivery system, but we do not find any legislative or judicially laid down guidelines to assist the trial court in meeting out the just punishment to the accused facing trial before it after he is held guilty of the charges. Nonetheless, if one goes through the decisions of this Court, it would appear that this Court takes into account a combination of different factors while exercising discretion in sentencing, i.e. proportionality, deterrence, rehabilitation etc.*
>
> *29. The compromise if entered at later stage of incident, or even after conviction can indeed be one of the factor in interfering the sentence awarded to commensurate with the nature of offence being committed to avoid bitterness in the families of the accused and the victim and it will always be better to restore their relations, if possible, but the compromise cannot be taken to be a solitary basis until the other aggravating and mitigating circumstances also support and are favourable to the accused for molding the sentence which always has been examined in the facts and circumstances of the case on hand." (emphasis laid)*

18. In view of aforesaid principles laid down by the Hon'ble Apex Court, here, it is to be noted that the incident is of May 2014 and more than a decade has lapsed since then. Complainant/injured namely, Bhanudas and PW4 Shivnath are signatories to the compromise. It is stated in Criminal Application No. 641 of 2026 which is jointly verified by applicant/accused Ramdas, injured Shivnath and informant Bhanudas that, applicants Ramdas and Dnyandev are brothers, whereas applicant Vinod is son of applicant Dnyandev and applicant Kailas is son of applicant Ramdas whereas respondents Shivnath and Bhanudas are relatives. During pendency of criminal appeal, by intervention of common relatives and elder villagers matter is amicably settled and compromised and now visiting terms *inter se* between their families are restored. That, respondent nos. 2 and 3 have no ill will or grudge against applicants, nor applicants have any grudge against said respondents and that they have decided to reside peacefully and maintain cordial relations and consequently, prayers for amicable settlement are urged for.

19. At Exhibit "A" is the affidavit of injured Shivnath and Bhanudas and at Exhibit "B" are the terms of compromise. There is report of

learned Registrar (Judicial) dated 15.06.2026 regarding terms of compromise reached at being verified and parties having appended their thumbs and accepted the terms of compromise.

20. This Court has taken note of the background in which the incident took place, coupled with the manner and nature of assault and the consequential impact of the injuries on the person of injured, more particularly Shivnath, and therefore, this Court is not inclined to accept the prayers for permitting compounding or compromise. However, taking into account the relations *inter se* between the parties, and that almost a decade has lapsed since the occurrence and when relations between the parties are restored to normalcy, in the light of such peculiar facts and circumstances of this case, more particularly when informant and injured have come forward to settle the matter, deriving strength from the above discussed judicial precedent, this Court is inclined to reduce the sentence to the period already undergone, by maintaining the conviction. Hence, following order :

ORDER

I. Criminal Appeal No. 917 of 2024 as well as Criminal Application No. 641 of 2026 are hereby **partly allowed**.

II. The conviction of the appellants by learned Additional Sessions Judge, Ambad vide judgment and order dated 19.04.2024 in Sessions Case No. 41 of 2021 (Old Sessions Case No. 29 of 2017) for offences under Sections 307 r/w 149, 324 r/w 149, 143 and 148 of IPC is hereby maintained, **however, the sentence is reduced** to the period of imprisonment already undergone by the appellants and the fine imposed by the trial court.

III. Bail bonds of the appellant Ramdas stand cancelled.

IV. Appellants be set at liberty forthwith, if they are otherwise not required in any other offence.

V. It is clarified that there is no change as regards the order regarding disposal of *muddemal*.

VI. Criminal Appeal No. 917 of 2024 and Criminal Application No. 641 of 2026 are accordingly disposed off.

VII. In view of disposal of the Appeal, Criminal Application No. 4630 of 2025 also stands disposed off.

[ABHAY S. WAGHWASE, J.]

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