

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.470 of 2002**

Arising Out of PS.Case No. -null Year- null Thana -null District- JAMUI

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SHYAM SUNDER MAHTO

.... .... Appellant/s

Versus

State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Prakash Mahto-Advocate

For the Respondent/s : Mr. Sujit Kumar Singh-A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**

**ORAL JUDGMENT**

**Date: 24-12-2014**

At an earliest, Sarju @ Sarjug Prasad Mahton, Shiv Shankar Mahton and Shyam Sunder Mahto figured as appellants, out of whom, Sarju @ Sarjug Prasad Mahton and Shiv Shankar Mahton died as a result of which this appeal found abated against them vide order dated 20.08.2014.

As such, the appeal survives only against appellant Shyam Sunder Mahto.

Appellant Shyam Sundar Mahto has been found guilty for an offence punishable under Section 324 of the I.P.C. and has been sentenced to undergo rigorous imprisonment for two years vide judgment of conviction and sentence dated 06.08.2002 passed by the 3<sup>rd</sup> Additional Sessions Judge, Jamui in Sessions Trial No.748 of 1999.

While the appeal remained pending for hearing, a new

development has cropped up and on account thereof, the respective parties have filed I. A. No.752 of 2014 disclosing therein that as good feeling has restored amongst the parties, hence they intend to compromise the case. However, permission petition was not filed on behalf of the informant on account thereof, the same has been filed under I. A. No.2629 of 2014.

Before amendment of the Cr.P.C., Section 324 I.P.C. was compoundable with the leave of the Court. The amendment came in the year 2005 while the date of occurrence of present lis happens to be on 16.6.1996, that means to say on the alleged date of occurrence, offence under Section 324 I.P.C. was compoundable.

In order to support such plea, the learned counsel for the appellants also referred 2013(1) B.B.C.J. Page-311, which is based upon two Supreme Court's decision reported in 2008(3) SCC (Criminal) 699 as well as 2008(3) SCC (Criminal) 770.

Consequent thereupon, permission is accorded to compromise the case. Hence, the judgment of conviction and sentence impugned is nullified in terms of compromise. As such, the appeal is disposed of in terms of compromise. Appellant is on bail, hence he is discharged from its liabilities.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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