

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 502 of 2015

1. Anil Kumar, S/o Shri Ramprakash Saxena, aged about 46 years R/o Mig-16, Yadunandan Nagar, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.
2. Sunil Kumar S/o Shri Ramprakash Saxena, aged about 40 Years, R/o Mig-16, Yadunandan Nagar, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.
3. Smt. Vinita W/o U.P. Sinha, aged about 37 Years R/O Mig-16, Yadunandan Nagar, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.
4. Smt. Sunita W/o P.K. Shrivastava, aged about 45 Years, R/o J.B. 32 Geetanjali Vihar, Nehru Nagar, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.

---- **Petitioners**

Versus

- State Of Chhattisgarh Through Police Station Kawardha, District Kawardha, Kabirdham Chhattisgarh.

---- **Respondent**

For Petitioners	: Mr. Sunil Otwani, Advocate.
For the State.	: Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/07/2015

1. It is submitted that initially in criminal case No.25/2006 the petitioners were tried and by order dated 18.01.2011 they were acquitted by the JMFC, Bilaspur. Only one accused namely Ram Prakash Saxena, father of Petitioner No.1 Anil Saxena, was convicted. Against such conviction, a criminal appeal No.58-A/ 2011 was filed before the First Additional Sessions Judge, Bilaspur, by the convicted person namely Ram Prakash Saxena and against the acquittal of the petitioners namely Anil Kumar, Sunil Kumar, Smt. Vinita, & Smt. Sunita, Criminal Appeal No.168-A was preferred by the State of Chhattisgarh.

Meanwhile, a compromise was effected in matrimonial appeal wherein it was agreed that both the parties will move compromise application before the Appellate Court i.e, the Court of First Additional Sessions Judge on the basis of compromise. It is stated that the compromise has been effected between the parties, which has been accepted by the Division Bench of the High Court in First Appeal (M) No.12/2012 wherein the compromise/agreement entered between the parties has been made part of the order dated 15th December, 2014.

2. I have gone through the order dated 15.12.2014 and compromise petition which purport that the parties shall move an application before the appellate Court for disposal of the criminal case on the basis of the compromise. A perusal of the petition further shows that the instant petition has been directly preferred to this Court. The compromise agreement contains that they will move application before the appellate Court i.e., the Court of First Additional Sessions Judge, Bilaspur wherein the appeal is pending.
3. Having regard to the fact that the compromise has been effected in terms of the agreement which has been accepted by the Division Bench of this Court, as during the course of arguments it is revealed that the application has not been preferred before the appellate Court, therefore, the petitioners are granted liberty to move suitable application before the First Additional Sessions Judge wherein both the appeals are pending and if such application is moved, the Additional Sessions Judge, shall be obliged to decide the same keeping in view the order of compromise passed by the Division Bench of this Court in terms of the agreement of compromise.
4. Therefore, this petition stands finally disposed of with the aforesaid direction at the admission stage itself.

Sd/-

GOUTAM BHADURI
JUDGE