

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3418 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 208 OF 2007

Tukaram Asaram Bhojane and Ors.**Applicant**

Versus

The State of Maharashtra and Anr.**Respondents.**

Mr. Joydeep Chatterji, Advocate for applicants.

Mr. P.N. Mule, APP for State.

Mr. R.S. Shinde, Advocate for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 3rd July, 2015.

ORDER :

1. Revision is filed to challenge the judgment and order of Criminal Appeal No. 54/2005 which was pending in the Court of learned Additional Sessions Judge, Jalna and also the judgment and order of RCC No. 353/2002, which was pending in the Court of J.M.F.C., Amabad, District Jalna. The petitioners are convicted and sentenced for the offences punishable under section 325 r/w. 149 and 323 r/w. 149 of I.P.C. The maximum sentence of rigorous imprisonment of two years is given for the offence punishable under section 325 of I.P.C. and each of the accused is sentenced to pay fine of Rs. 5000/- for each offence.

For the other offence imprisonment is given of six months and fine of Rs. 1000/- is imposed. Submission was made by the learned counsel for petitioners and also the learned counsel who is appearing for original complainant, respondent No. 2 that the petitioners have undergone the sentence of 40 days already and the entire fine amount has been deposited.

2. The application is filed to inform to the Court that the parties have settled the dispute out of the Court and the complainant wants to see that the petitioners are not again sent behind bars in the case and they wanted to keep peace and good relations. It was a dispute of private nature.

3. The learned APP is heard. This Court has gone through the judgments given by two Courts below. In view of the aforesaid circumstances and the prayer is made by the original complainant, who is the only injured person, this Court holds that the sentence undergone by the petitioners which is of 40 days and the aforesaid fine is just and sufficient. The offence committed under section 325 of I.P.C. is compoundable under section 320 of Cr.P.C.

4. So, the revision is allowed and the judgment and

orders of the Trial Court and the First Appellate Court is modified to make the sentence of R.I. for the period already undergone and the fine already imposed. Bail bonds of the petitioners stand cancelled. Both petitions disposed of.

[T.V. NALAWADE, J.]

ssc/