

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [APL] NO.232 OF 2015

Gaurang Vinod Doshi	..Applicant
Versus	
The State of Maharashtra	
and another.	..Respondents

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Mr. P.D. Desai, Advocate for the Applicant.
Smt. A.A. Mane, APP, for the State.
Ms. Snehal Khairnar, Advocate for Respondent No.2.

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CORAM : M. L. TAHALIYANI, J.

DATE : 22nd APRIL, 2015

PC.

1. Heard learned Advocate for the applicant, learned Advocate for respondent No.2 and learned Additional PP for the State. Admit. By consent, the application is being disposed of finally.
2. The applicant has been convicted by the learned Magistrate for the offence punishable under Sections 498A and 406 of IPC and is sentenced to suffer R.I. for three years and to pay fine of Rs.5000/- under each count. The appeal filed by the

applicant is pending before the Sessions Court. In the meantime all the disputes between the applicant and the respondent No.2 – Madhuri have been resolved amicably out of Court.

3. It is submitted by learned Advocate Mr. Desai on behalf of the applicant and learned Advocate Ms. Snehal Khairnal on behalf of respondent No.2 that all the disputes between the parties have been resolved amicably. It is submitted on behalf of respondent no.2 that she does not press for conviction of the applicant. The respondent No.2 has no objection if the conviction of the applicant is set aside by this Court. The only pending issue is with regard to the jewelery which in custody of Gavdevi police station. It is resolved between the applicant and respondent No.2 that said jewelery will be collected by respondent No.2 from Gavdevi police station and necessary acknowledgment will be given to the police. The applicant has no objection for the same.

4. In view of the amicable settlement, an application was made before the appellate Court to declare that the offences stood compounded. The learned Appellate Court refused to grant any relief as the offences for which the applicant has been convicted are not compoundable. However, this Court in exercise of powers under Section 482 of Cr.P.C. can pass necessary orders to secure the ends of justice. In the present case since all the disputes have been amicably resolved it will be just and proper that the criminal appeal filed by the applicant also comes to an end. Hence, I pass the following order :

:: O R D E R ::

- [i] The conviction recorded by the Magistrate in Criminal Case No.36/PW/2006 for the offences punishable under Sections 498A and 406 of IPC and sentences passed for the same are set aside. The fine amount paid by the applicant shall be refunded to him.
- [ii] The appeal, therefore, does not survive. The learned Sessions Judge is directed to dispose of the appeal in view of the present order declaring that the appeal does not survive.
- [iii] The jewelery lying in the custody of Gavdevi police station shall be returned to the respondent No.2 immediately by the concerned police station without any bond.
- [iv] Criminal Application stands disposed of accordingly.

JUDGE