

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.364/1998

Vishwas s/o Mohan Wankhede and ors ..vs.. State of Maharashtra

AND CRIMINAL APPEAL NO.370/1998

Gajanan s/o Manohar Mahale and 10 ors. ..vs.. State of Maharashtra.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. S. Mardikar, Senior Advocate for appellant.
Mr. S. B. Ahirkar, A.P.P. for respondent-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 9, 2015.

Criminal Application Nos.404/2015 and 407/2015

Heard learned counsel for the rival parties in both these appeals. These applications have been moved for compounding of the offence. Looking to the nature of offences, they are compoundable with permission of the Court. The offence is of the year 1994 while conviction was recorded in the year 1998 and the appeals pend even now. Appellants in both these appeals are on bail.

Seen averments in both the applications. Upon perusal of the averments, I am satisfied that since offences are compoundable with permission of the Court, compounding should be allowed because the conviction was recorded in the counter cases between two groups in the village way back in the year 1998 and a long period had already passed. Thus, compounding of offence cannot be allowed

without the appellants being asked to pay suitable costs to the State Government in its police department since criminal law was set in motion, investigation was made, charge-sheet was filed, trial was also held and thereafter the appeal proceedings are continued.

In that view of the matter, following order is passed.

ORDER

(i) Criminal Application Nos.404/2015 and 407/2015 are allowed. Consequently, Criminal Appeal Nos.364/1998 and 370/1998 are disposed of as compounded.

(ii) Appellants in both these appeals shall deposit with Superintendent of Police, Akola Rs.10,000/- each towards costs within a period of six months from today. If the amount of costs is not paid within six months from today in the account of Superintendent of Police, Akola, this order regarding compounding of offence shall stand automatically recalled and the appeals be placed for further hearing before the court.

JUDGE