

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

CRIMINAL APPLICATION (APPA) NO. 351 OF 2015
IN/AND
CRIMINAL APPEAL NO. 88 OF 1999

(Mahadeo s/o Ganpat Ghorpade Vs. The 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

Shri A. D. Girdekar, Adv. for appellant/applicant.
Shri S. S. Doifode, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.
: 02 SEPT., 2015

1. Heard Shri Girdekar, learned Counsel for the applicant-appellant and Shri Doifode, learned Additional Public Prosecutor for the respondent-State.
2. Criminal Appeal No. 88/1999 arises out of the judgment and order of conviction passed by learned Additional Sessions Judge, Khamgaon dated 06/3/1999 in Sessions Case No.14/1994, whereby appellant Mahadeo Ganpat Ghorpade is convicted for the offence punishable under Section 498-A of the Indian Penal Code. By the said judgment and order of conviction, the appellant was directed to suffer rigorous imprisonment for one year and to pay fine of Rs.2,000/- and in default to suffer rigorous imprisonment for three months.
3. This Court on 01/4/2001 admitted the appeal and the appellant was released on bail.
4. Criminal Application No. 351/2015 is filed before this Court in Criminal Appeal No. 88/1999 for compounding of the offence. The application is moved jointly by Pushpa w/o Mahadeo Ghorpade and appellant/accused Mahadeo Ganpat Ghorpade.
5. Applicant No.2 Pushpa is the complainant on whose complaint the first information report was lodged and ultimately the appellant was convicted. She is wife of

applicant No.1/appellant Mahadeo Ghorpare. By filing the present application, it is pointed out that during pendency of the appeal, the couple i.e. Mahadeo and Pushpa have settled their dispute amicably and they are residing together since last more than five years.

6. Today, applicant No.2 Pushpa Mahadeorao Ghorpade is personally present. She is identified by Counsel Shri A. D. Girdekar. Photostat copy of a card issued by Election Commission of India is also filed on record. I have personally verified about the truthfulness of the compromise in between the parties.

7. The offence under Section 498-A of the Indian Penal Code is in respect of matrimonial discord. In that view of the matter and in view of the pronouncement of the Apex Court in the case of B. S. Joshi & others Vs. State of Harayana & another, (2003) 4 SCC 675, it will be appropriate on the part of the Court, by exercising its inherent jurisdiction, to compound the dispute. Hence, I pass the following order.:

Criminal Appeal No. 88/1999 is allowed.

Judgment and order of conviction passed in Sessions Case No. 14/1994 by 2nd Additional Sessions Judge, Khamgaon is hereby quashed and set aside in view of the compromise and compounding of the offence.

Bail bonds stand cancelled.

In view of disposal of Criminal Appeal No.88/1999, Criminal Application No.351 is disposed of.

JUDGE