

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 712 of 2015
IN
Criminal Appeal No. 370 of 1999
[Riyazkhan Sherkhan Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. S.A. Bramhe, Adv., for the appellant.
Mrs. Joshi, APP for respondent no.1.
Mr. D.T. Shinde, Adv., for respondent no.2.

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CORAM : A.B. CHAUDHARI, J.

DATE : 05th December, 2015.

The appellant Riyazkhan Sherkhan was convicted of offence under Section 324, Indian Penal Code, and was sentenced to undergo Rigorous Imprisonment for two years and to pay a fine of Rs. 500/-, in default, Simple Imprisonment for one month, for assaulting the victim Sheikh Salim Sheikh Farid, who has now filed an Affidavit bearing Stamp No. 3633/2015 dated 30th October, 2015 in this Court about his willingness to agree for compounding the offence for which the appellant was convicted.

The application for permission to compound at this appellate stage is seen by me. Looking to the averments in para 2 of the application, I am satisfied that the appellant and the victim should be allowed to compound the offence.

The Trial Court imposed a fine of Rs. 500/- and I think the same should be increased to Rs. 5,000/- [rupees five thousand only] payable to the State Govt., in the light of the entire exercise for prosecuting the appellant by the State. In view of the above, I make the following order:-

ORDER

- [a]** Criminal Application [APPA] No. 712 of 2015 and Criminal Appeal No. 370 of 1999 are disposed of.
- [b]** Rule is made absolute in terms of the prayer clause of Criminal Application No. 712 of 2015.
- [c]** The sentence awarded to the appellant – Riyazkhan Sherkhan for offence under Section 324, Indian Penal Code, and Rigorous Imprisonment for two years and fine is set aside. In addition, the appellant shall pay a fine amount of Rs. 4500-00 [rupees four thousand five hundred only],

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for being paid to the State Govt., within
three months from today.

Disposed of.

Judge

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