

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1103 of 2014

1. Krishno Prasad Khunte, S/o. Sitaram, Aged About 40 Years.
2. Amritlal, S/o. Ramadhin, Aged About 40 Years.
3. Kunjram, S/o. Ganesh, Aged About 45 Years.
4. Ramlal, S/o. Sitaram, Aged About 35 Years.
5. Ramkumar, S/o. Ganesh, Aged About 40 Years.
6. Shyamlal, S/o. Sitaram, Aged About 32 Years.
7. Santosh, S/o. Mahetaar, Aged About 40 Years.
8. Arun Kumar, S/o. Sitaram, Aged About 30 Years.
9. Santosh, S/o. Dholuram, Aged About 42 Years.
10. Nankiram, S/o. Motiram, Aged About 55 Years.

All R/o. Village Kaitha, P.S. Hasaoud, Tahasil- Jaijaipur, Civil & Revenue Distt. Janjgir Chama, Chhattisgarh.

---- Petitioners

Versus

1. Khushram, S/o. Heeralal, Aged About 60 Years, R/o. Village Kaitha, P.S. Hasaoud, District Janjgir Champa, Chhattisgarh.
2. State Of Chhattisgarh, Through District Magistrate, Distt. Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioners	: Mr. Ishwar Jaiswal, Advocate.
For Respondent No.1	: Mr. Awdhesh Mishra, Advocate.
For Respondent No.2	: Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

1. Learned counsel for the petitioners submits that one complaint was filed on 15.01.2010 and since the proceedings were going slow

another complaint was filed on 07.08.2010 wherein the trial continued and the conviction order was also passed. Subsequently, when the appeal was filed, in the appeal, the conviction was upheld and thereafter the revision was filed wherein the parties have entered into a compromise. He submits that for the same incident since the another complaint was filed on 15.01.2010 that continued wherein the applicants have filed an application under Section 320 of Cr.P.C. for compounding the offence, which is pending before the Court below, therefore, the Court below may be directed to decide the same as the parties are being vexed twice for the same incident for which long litigation have been drawn.

2. Learned counsel for the complainant/respondent No.1 do not dispute the fact that for the same incident, initially the complaint was filed on 15.01.2010 and subsequently since there was no progress in the complaint, another complaint was made on 07.08.2010, which proceeded and conviction was made, for which the appeal was filed and subsequently the revision was filed wherein the parties have entered into compromise. He further confirmed the fact that for the same incident the complaint which was filed on 15.01.2010 proceeded and continued. He would further submit that the parties have entered into compromise and filed an application under Section 320 of Cr.P.C. or compounding the offence, therefore, the trial Court may be directed to decide the same in view of submission made before this Court.
3. Considering the submission of the parties, the learned trial Court is directed to decide the application under Section 320 of Cr.P.C. for compounding of the offence in view of the admission made before this Court by the counsel for the complainant that for the same incident two

complaints were filed and the proceeding which is pending before the Court below arises out of the same incident.

4. Accordingly, the trial Court is directed to decide the application filed under Section 320 of Cr.P.C. as early as possible within a further period of one month from the date of receipt of a copy of this order.
5. With the aforesaid direction the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge