

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 260 of 2016**

Hansraj Patel S/o Fagnuram Patel Aged About 46 Years R/o Village -
Kohdiya, Thana - Sahaspur - Lohara, Distt. Kabeerdham Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through :- District Magistrate, Distt. Bemetara
Chhattisgarh

----Non-Applicant

For Applicant:	Shri Samir Singh, Advocate.
For Non-Applicant/State:	Shri UKS Chandel, Panel Lawyer.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

27.6.2016

1. The present revision has been preferred by the Applicant against the judgment dated 3.3.2016 passed by the Sessions Judge, District Bemetara (CG) in Criminal Appeal Case No.54/2015 wherein the Applicant has been convicted for the offence punishable under Section 420 IPC and sentenced to undergo RI for 4 years with fine of Rs.2.5 lacs with usual default stipulations.

2. Learned Counsel for the Applicant submits that pending the appeal before this Court, the parties had entered into a compromise and that the entire amount payable to the Complainant has been paid by the accused persons. He further submits that the Complainant also is present before this Court. The Complainant present in the Court, on being specifically questioned, submits that he has received an amount of Rs.2.2. Lacs from the family of the accused person and that since he has received his money due, he does not intend to prosecute the Applicant any further and as the dispute

has been resolved, he wants the matter to be closed once for all.

3. Learned State Counsel also on verifying the records, submits that since the offence is that of 420 IPC which is a compoundable offence and if the Complainant himself has entered appearance and made a statement, the matter can be disposed of.

4. In the light of the submission made by the Complainant himself and the fact that it is a compoundable offence, this Court is of the opinion that it is a fit case where the present Applicant can be acquitted from the charge under Section 420 IPC.

5. Taking into consideration the facts and circumstances of the case, particularly in the light of the submissions made by Complainant himself before the Court and also keeping in mind the principle laid down by the Supreme Court in the matter of **B.S. Joshi and others** reported in **(2003) 4 Supreme Court Cases 675**, I am of the opinion that it is a fit case where the Revision can be disposed.

6. Accordingly, pursuant to the compromise between the Complainant and the accused-Applicant, offence registered against the Applicant under Section 420 IPC at P.S. Bemetara, Distt. Bemetara stands compounded. Consequentially, the present Revision Petition also is allowed and the Applicant stands acquitted from the charge under Section 420 IPC.

7. In view of the above, the instant Revision is allowed.

Sd/-
(P. Sam Koshy)
JUDGE