

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 341 OF 2005

State of Maharashtra
Through Police Station, Bhagyanagar,
Nanded.

..APPELLANT

VERSUS

1. Vinod Keshav Thorat
Age: 18 years,
2. Vachalabai Keshav Thorat
Age: 35 years,
3. Deepak Keshav Thorat
Age: 20 yeas,
4. Keshav Govind Thorat
Age: 40 years,

All R/o Shivnerinagar, Sangvi (Bk),
Tq. and Dist. Nanded.

..RESPONDENTS

**WITH
CRIMINAL APPLICATION NO. 3209 OF 2016
IN
CRIMINAL APPEAL NO. 341 OF 2005**

1. Ramrao Laxmanrao Thorat
Age: 74 years, Occu.: Retired Person
2. Kausalaya Ramrao Thorat
Age: 65 years, Occu.: Household

Both R/o In front of Nrusinha Mahavidyalaya,
Parasnagar Nanded, Tq. & Dist. Nanded.

3. Vinod Keshav Thorat
Age: 18 years, Occu.: Agri.,

4. Vachalabai Keshav Thorat
Age: 35 years, Occu.: Household,

5. Deepak Keshav Thorat
Age: 20 yeas, Occu.: Agri.,

6. Keshav Govind Thorat
Age: 40 years, Occu.: Agri.,

All R/o Shivnerinagar, Sangvi (Bk),
Tq. and Dist. Nanded.

..APPLICANTS

VERSUS

State of Maharashtra
Through Police Station, Bhagyanagar,
Nanded.

..RESPONDENT

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Mr. R.V. Dhasalkar, A.P.P. for appellant.
Mr. U.B. Bilolikar, Advocate for respondents.

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CORAM : A.I.S. CHEEMA, J.
DATED : 15th JUNE, 2016

ORAL JUDGMENT :

1. This is part heard appeal. This appeal has been filed against the acquittal of the respondents i.e. original accused. It was admitted on 10.12.2007.

2. Heard learned A.P.P. for State and learned Counsel for respondent-accused.

3. Respondents – original accused are present before the Court and identified by Mr. U.B. Bilolikar, learned Counsel for the respondents in appeal. Original complainant Mr. Ramrao Laxmanrao Thorat and Mrs. Kausalaya Ramrao Thorat are also present and are identified by Mr. A.S. Gandhi, learned Counsel for applicants in the application.

4. Complainant, his wife and the accused have filed the present application for compounding of the offence. The application tendered was referred to the Registrar (Judicial) and report is received from the Registrar (Judicial). Complainant, his wife and the accused admit the contents of the report and state that they have settled the matter between them.

5. The learned A.P.P. opposes the application as according to him the accused have unlawfully assembled and committed riot and caused grievous injuries. The fact of the case shows that the parties are relatives and while taking measurement of the plot dispute arose and incident took place. It is in the interest of justice that both the sides should live peacefully and there is no material to show that the parties have criminal background.

6. For such reasons, although this appeal is admitted against acquittal and non-compoundable sections are involved, I accept the compromise pursis filed by the complainant, his wife and the accused persons by invoking inherent powers to do justice between the parties. Compromise pursis is taken on record and marked as 'X' for identification. Report of the Registrar (Judicial) is also taken on record and marked as 'Y' for identification.

7. For the reasons mentioned above, application to compound is accepted. No interference in acquittal of respondents is called for. Appeal of the State is dismissed.

(A.I.S. CHEEMA, J.)

SSD