

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.154 OF 2016

ASHOK BHAUSAHEB S/O KISAN KASAR

PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND
OTHER

RESPONDENTS

Mr.D.R.Jayabhar, Advocate for the petitioner.

Mr.S.G.Karlekar, APP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/06/2016

PER COURT :

1. Learned Advocate for the petitioner has placed reliance upon the following two judgments of the Hon'ble Supreme Court :-

(a) Gian Singh Vs. State of Punjab and another, 2012 AIR SCW 5333 (3 Judges Bench).

(b) Yogendra Yadav and others Vs. The State of Jharkhand and another, AIR 2014 SC 3055.

2. The petitioner submits that the ratio laid down in the above stated judgments is that even a non compoundable offence can be compounded provided the compromise terms supported by affidavit of the accused as well as the complainant/victim is placed on record.

3. He concedes that no such affidavit was placed before the Learned Magistrate, who therefore declined to entertain application Exhs.90 and 91 seeking an order permitting compounding of the

offence.

4. He, therefore, prays for liberty to withdraw this petition and file a fresh application alongwith the terms of compromise supported by affidavits of the accused and the victims/complainants before the learned Magistrate.

5. Learned APP submits that if the above liberty is being granted, the petitioner be directed to file such an application with necessary documents as stated above within a particular time frame.

6. In the light of the above, the petition is disposed of, as being withdrawn on instructions with liberty as prayed for, provided such an application alongwith accompanying compromise terms and affidavit is filed within 4 (four) weeks from today. In the event, it is so done, the learned Magistrate shall consider the ratio laid down in the above cited judgments and pass appropriate orders.

(RAVINDRA V. GHUGE, J.)