

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

Criminal Revision Application No. 134 of 2004

District : Ahmednagar

1. Shri Sitaram s/o. Nivrutti Sonawane,
Age : 46 years,
Occupation : Service.

2. Shri Bajirao s/o. Nivrutti Sonawane,
Age : 36 years,
Occupation : Service.

Both R/o. Loni (Kd.),
Taluka Rahata,
District Ahmednagar.

.. Applicants
(Original
appellants)

versus

The State of Maharashtra.

.. Non-applicant
(Original
complainant)

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Mr. S.K. Shinde, Advocate, for the applicants.

*Mr. K.N. Lokhande, Addl. Public Prosecutor, for
the non-applicant*

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CORAM : Z.A. HAQ, J.

DATE : 23RD NOVEMBER 2016

ORAL JUDGMENT :

Heard Mr. S.K. Shinde, learned Advocate for
the applicants, and Mr. K.N. Lokhande, learned Addl.

Public Prosecutor for the non-applicant.

02. The applicants have challenged the judgment passed by the learned Addl. Sessions Judge, upholding the conviction of the applicants for offence punishable under Section 498A read with Section 34 of Indian Penal Code. The learned Magistrate directed that the applicants shall undergo simple imprisonment for 03 months and to pay fine of Rs. 500/- each, in default of which, the applicants were required to undergo simple imprisonment for 08 days. The learned Addl. Sessions Judge has modified this part of the judgment and has directed that the applicants shall undergo the sentence till rising of the Court and to pay fine of Rs. 500/-, in default of which, the applicants will have to undergo simple imprisonment for 08 days.

03. The learned Advocate for the applicants has submitted that during pendency of the appeal before the Sessions Court, the complainant and the present applicant no.2 entered into a compromise and a Pursis (Exhibit No.22) was filed informing about the compromise and along with the Pursis, document - divorce deed (Exhibit No.40) was filed and considering this aspect and the fact that the applicant no.2 is in employment with the Maharashtra State Road Transport Corporation, and the conviction may adversely affect his prospect, the impugned

judgment and conviction be set aside. It is submitted that the applicants have undergone the sentence and have also deposited the amount of fine.

04. With the assistance of the learned Advocate for the applicants and the learned Addl. Public Prosecutor, I have examined the documents placed on record of the Revision Application. The learned Advocate for the applicants has not been able to point out any infirmity or perversity in the finding concurrently recorded by the subordinate Courts concluding that the prosecution has established that the applicants have committed the offence. The offence is not compoundable.

05. Hence, in the above facts, the impugned judgment cannot be interfered with. The Revision Application is dismissed.

(Z.A. HAQ)
JUDGE

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