

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.259 OF 2003

- 1) Bhiwa s/o Vithal Dhutraj,
Age-93 years, Occu:Agriculture,
- 2) Sidhodhan s/o Bhiwa Dhutraj,
Age-21 years, Occu:Education,
- 3) Chandramani s/o Bhiwa Dhutraj,
Age-25 years, Occu:Agriculture,

All R/o-Pimpran, Tq-Purna,
Dist-Parbhani.

...APPELLANTS
(Orig. Accused)

VERSUS

- 1) State of Maharashtra,
- 2) Vithal s/o Kisanrao Dhutraj,
Age-39 years, Occu:Agriculture,
- 3) Narayan s/o Vithal Dhutraj,
Age-54 years, Occu:Agriculture,
- 4) Dagdu s/o Vithal Dhutraj,
Age-60 years, Occu:Agriculture,

All R/o-Pimpran, Tq-Purna,
Dist-Parbhani.

...RESPONDENTS

...
Mr.Vijay Sharma Advocate for Appellants.
Mr.R.B. Bagul, A.P.P. for Respondent No.1.
Mr.M.P. Kale Advocate for Respondent Nos.2 to 4.
...

WITH

**CRIMINAL APPLICATION NO.3965 OF 2016
IN**

CRIMINAL APPEAL NO.259 OF 2003

- 1) Bhiva s/o Vithal Dhutraaj,
Age-86 years, Occu:Agriculture,
- 2) Siddhodan s/o Bhiva Dhutraaj,
Age-34 years, Occu:Agriculture,
- 3) Chandramani s/o Bhiva Dhutraaj,
Age-38 years, Occu:Agriculture,

All R/o-Pimpran, Tq-Purna,
Dist-Parbhani.

**...APPLICANTS
(Orig. Accused)**

VERSUS

- 1) State of Maharashtra,
- 2) Vithal s/o Kisanrao Dhutraaj,
Age-52 years, Occu:Agriculture,
- 3) Narayan s/o Vithal Dhutraaj,
Age-67 years, Occu:Agriculture,
- 4) Dagdu s/o Vithal Dhutraaj,
Age-73 years, Occu:Agriculture,

All R/o-Pimpran, Tq-Purna,
Dist-Parbhani.

...RESPONDENTS

...

Mr.Vijay Sharma Advocate for Applicants.
Mr.R.B. Bagul, A.P.P. for Respondent No.1.
Mr.M.P. Kale Advocate for Respondent Nos.2 to 4.

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CORAM: A.I.S. CHEEMA, J.

DATE : 22ND AUGUST, 2016

ORAL JUDGMENT :

1. The Appellants - original accused No.1 - under Section 325 and accused Nos. 3 and 4 under Section 324 of the Indian Penal Code, 1860 were convicted in Sessions Trial No.176 of 1999 by Ad-hoc Additional Sessions Judge, Parbhani on 7th March 2003. They were convicted under the above Sections for having committed offence against original complainant Dagdu Vithal Dhutraaj and in the course of incident also causing injuries to Vithal Kisanrao Dhutraaj and Narayan Vithal Dhutraaj (Respondent Nos. 2 to 4). Being aggrieved,

present Appeal was filed and the same has been admitted.

2. When the matter has come up for hearing, the parties have filed Criminal Application No.3965 of 2016 and it is stated that the parties are related to each other. They are step brothers i.e. they have same father but are born from different mothers. It is stated that they have buried their differences and have decided to live peacefully and thus do not want to pursue the dispute further.

3. Criminal Application for compounding offence was sent for verification to the Registrar (Judicial) and Registrar (Judicial) has given a detail report which is endorsed by the accused persons as well as the complainant and injured persons with their thumb impression and signatures. The accused persons have been identified by Advocate Shri Vijay Sharma.

Complainant and injured persons have been identified by Advocate Shri Kale before the Registrar (Judicial). The accused are present and in the Court also Advocate Shri Vijay Sharma identifies them and Advocate Shri Kale identifies the injured persons and complainant as present in the Court. On being asked, the complainant and both the injured persons as well as the accused persons admitted the contents of the Application which has been filed for compounding the offence and that they have compounded the offence. The complainant and two injured persons state that the accused persons may be released from the offence as they do not want to pursue the matter further. The accused persons also admitted the compromise.

4. Report dated 9th August 2016 submitted by the Registrar (Judicial) is taken on record and accepted. Criminal Application No.3965 of 2016 is allowed. The compounding of offences is accepted

under Section 320 read with Section 482 of the Code of the Criminal Procedure, 1973. In interest of Justice, it is necessary to permit compounding and set aside the impugned Judgment. The impugned Judgment is thus quashed and set aside. The Appellants - accused persons are hereby acquitted of the offence punishable under Sections 324 and 325 of the Indian Penal Code, 1860 with which they were charged. Their bail bonds are cancelled. Fine if paid, be refunded to them.

5. Criminal Appeal No.259 of 2003 and Criminal Application No.3965 of 2016 stand disposed of, accordingly.

[A.I.S.CHEEMA,J.]