

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.278 of 2004

Mohd. Yunus, S/o Sufur, aged about 45 years, by Caste Musalman, R/o Sakin Gevra Basti, Thana Kusmunda, District Korba, Chhattisgarh

---- Petitioner

versus

State of Chhattisgarh through Police Akaltara, District Janjgir-Champa, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Gurudev I. Sharan, Advocate
For State/Respondent	:	Shri Suryakant Mishra, Panel Lawyer
For Complainant	:	Shri Vikram Dixit, Advocate

Hon'ble Shri Justice Anil Kumar Shukla

Order on Board

25.1.2017

1. This revision has been preferred by the accused under Section 397/401 of the Code of Criminal Procedure against the judgment dated 11.3.2004 passed in Criminal Appeal No.37 of 2004 by the 4th Additional Sessions Judge (F.T.C.), Janjgir, by which the learned Additional Sessions Judge has affirmed the judgment of the Trial Court convicting the accused/Petitioner under Section 420 read with Section 34 of the Indian Penal Code and sentencing to undergo rigorous imprisonment for 1 year and to pay fine of Rs.100/- with default stipulation.
2. An application (I.A. No.1 of 2017) under Section 320(2) of the Code of Criminal Procedure has been jointly filed by the accused/Petitioner and the Complainant supported by their affidavits seeking permission to compound the offence. The

offence under Section 420 IPC is compoundable with the permission of the Court. The Complainant and the accused/Petitioner are compounding the offence willingly. Therefore, keeping in view the facts and circumstances of the case, permission to compound the offence is granted.

3. The Complainant and the accused/Petitioner have also filed another joint application (I.A. No.2 of 2017) under Section 320(6) of the Code of Criminal Procedure in which it is stated that the Complainant and the accused/Petitioner are willing to compound the offence. This application is also supported by the affidavits of the accused/Petitioner and the Complainant. The Complainant has been identified by his Advocate Shri Vikram Dixit and the accused/Petitioner has been identified by his Advocate Shri Gurudev I. Sharan.
4. In support of the applications for compounding the offence, statements of Complainant Ramkumar Satnami, son of Ganesh Ram Satnami and accused/Petitioner Mohd. Yunus, son of Sufur have been recorded before the Registrar (Judicial) of this Court in which they have stated that they are compounding the offence willingly and without fear and pressure.
5. Therefore, the applications under Section 320(2) of the Code of Criminal Procedure and under Section 320(6) of the Code of Criminal Procedure for compounding the offence are allowed. The offence is permitted to be compounded. In view of the provision contained in Section 320(8) Cr.P.C., the accused/Petitioner is

acquitted of the charge framed under Section 420 read with Section 34 IPC on the basis of composition of the offence.

6. Consequently, the instant criminal revision stands allowed in the aforesaid terms.

Sd/-
(Anil Kumar Shukla)
JUDGE