

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1435 of 2016

- Sanjay Poddar S/o Sukumar Chandra Poddar Aged About 40 Years R/o Bandhvapara, Police Station Purani Basti, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through District Magistrate, Raipur, Chhattisgarh.
2. Aasifuddin S/o Hafijuddin R/o Baijnathpara, Police Station- Kotwali, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Smt. Fouzia Mirza, Advocate
For Respondent No.1	:	Smt. Madhunisha Singh, PL
For Respondent No.2	:	Shri Mayank Chandrakar, Advocate

Hon'ble The Acting Chief Justice

Order On Board

06/03/2017

1. Challenge in this petition under Section 482 Cr.P.C. is to the order dated 6.10.2016 passed by the 1st Additional Judge to the Court of 1st Additional Sessions Judge, Raipur in Criminal Appeal No.130/2016 partly rejecting the application as filed by the petitioner under Section 320 (8) Cr.P.C.
2. Counsel for the petitioner submits that the trial Court is justified in passing the impugned order and holding that non-compoundable offences cannot be compounded. She however submits that the trial Court may be directed to consider the effect of compromise between the parties at the time of deciding the appeal.
3. Counsel appearing on behalf of the State submits that the petition in its

present form is not maintainable because the appellate Court is seized of the matter and it is for the appellate court to pass the judgment in accordance with law. Whereas, counsel appearing on behalf of respondent No.2 supports the contention of counsel for the petitioner.

4. At this stage, counsel for the petitioner seeks to withdraw this petition with liberty to raise all the points, as raised in this petition, before the appellate Court.
5. In view of above submission, this petition is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(Pritinker Diwaker)
Ag. Chief Justice

roshan