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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 365 OF 2017
WITH
CRIMINAL APPLICATION NO. 345 OF 2017**

Vijay Rajaram Shinde ... Applicant
vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Sachin Gite for the Applicant.
Ms. Chaitrali Deshmukh for Respondent no.2 and 3.
Ms. N. S. Jain, APP for the State.

**CORAM : A. K. MENON, J.
DATE : 19th JULY, 2017**

P.C.:

1. By this Criminal Application, the applicant seeks to challenge an order dated 21st June, 2017 whereby the Sessions Court acquitted accused nos. 2 to 4 of offences punishable under Section 325 and Section 323 read with Section 34 of the Indian Penal Code while maintaining conviction against accused no.1. Accused no 1 who was still on bail was thereafter taken into custody and is presently lodged at Nashik Central Jail.

2. The applicant is stated to be related to respondent nos. 2 and 3. Parties have now arrived at a compromise which has been recorded in a compromise deed executed on 10th July, 2017 at Nasik. The same is in Marathi language and

seen to be executed between original complainant and Leelabai Punjaji Shinde and Kantabai Punjaji Shinde who have been joined in this application as respondent nos. 2 and 3. A fair translation of the compromise deed in English has been annexed to this compromise deed.

3. The compromise deed records that there is now no quarrel between the parties and that since they are related to each other and have good relations, the parties have decided to compromise the issue and do not have any objection if the applicant is released. The parties who have executed the compromise deed are present in Court and confirm having signed the compromise deed. An affidavit is also tendered on behalf of the original complainant which records that since offence had taken place about 20 years ago, dispute relating to a common "Bandh" on agricultural land and the disputes are now amicably settled. The contents of the compromise Deed and affidavit have been explained and interpreted by the Advocate for respondent nos. 2 and 3. It is also recorded that deponent has no objection if the accused is released from jail. In view of the compromise arrived at and since the offence is compoundable this Revision is liable to be allowed.

4. In the circumstances, I pass the following order :

- (i) Revision application is allowed in terms of consent terms and affidavit in terms of compromise deed dated 10th July, 2017 and as per consent affidavit of the respondents.

(ii) The conviction and sentence of the applicant in RCC No. 99/1997 by JMFC, Niphad as confirmed in Criminal Appeal No. 24/2008 before Additional Sessions Judge-1, Niphad is hereby set aside and the applicant is acquitted in the said case.

(iii) The applicant shall be released from Nasik Central jail forthwith.

(iv) In view of the compromise arrived at between the parties a Criminal Application no. 345 of 2017 does not survive and is dismissed.

(v) Parties to act on an authenticated copy of this order.

(A. K. MENON, J.)