

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO. 984 OF 2017

IN

CRIMINAL APEAL NO. 22 OF 2006

(Pandhari Govindrao Mandhre & another Vs.. State of Maharashtra, thr Police Station
Officer, Sewagram, Dist. Wardha)

AND

CRIMINAL APPLICATION (APPA) NO. 997 OF 2017

IN

CRIMINAL APEAL NO. 29 OF 2006

(Shamrao s/o. Upasrao Pachare and ors...Vs.. State of Maharashtra, thr Police Station
Officer, Sewagram, Dist. Wardha)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Sanket Lambat, counsel for the applicants in both the appeals.

CORAM: ROHIT B. DEO, J.

DATE: 21th NOVEMBER, 2017.

Heard.

2 Both the appeals arise from same incident which
took place at 6.00 a.m. on 22.4.1999 at village Sukli (Bai),
Tahsil Seloo, District Wardha.

3 Apparently, there was a free for all physical
altercation in which members of the rival groups namely,
the Mandhare family and Pachare family sustained injuries.

4 The incident led to cross-prosecutions. The
learned Sessions Judge who tried both the Regular Criminal

Cases (Session trials), convicted Pandhari Govind Mandhare and Tanabai Govindrao Mandhare, under section 324 of the Indian Penal Code (IPC). Tanabai has expired during pendency of Criminal Appeal 22 of 2006.

5 The learned Sessions Judge further convicted four members of Pachare family, namely Shamrao, Nandu, Govind and Dilip. Shamrao expired during pendency of the appeal. This conviction is also under section 324 of the IPC.

6 The applications for compounding of offence are filed in both the criminal appeals. Criminal Application 984 of 2017 is filed in Criminal Appeal 22 of 2006 by surviving appellant Pandhari Mandhare and Criminal Application 997 of 2017 is filed in Criminal Appeal 29 of 2006 by Nandu, Govind and Dilip Pachare.

7 Incident has occurred before the amendment come into force (Amendment Act 2005) which made offence punishable under section 324 non-compoundable. In view of the judgment of the Apex Court in *Shankar Yadav & Anr..vs..State of Chhattisgarh, 2017 ALL SCR (Cri) 1614*, since the incident occurred prior to coming into force of the said amendment, permission to compound offence under

section 324 of th IPC can be granted.

8 Having perused the recitals in the two applications moved by the rival families, who have settled their *inter se* disputes amicably since quite some time, I am inclined to permit them to compound offences.

9 Both the applications i.e. Criminal Application 984 of 2017 in Criminal Appeal 22 of 2006 and Criminal Application 997 of 2017 in Criminal Appeal 29 of 2006 are allowed.

10 The parties are allowed to compound offence punishable under section 324 of the IPC in Criminal Appeal 22 of 2006 and Criminal Appeal 29 of 2006.

11 In view of the compounding, both the appeals are allowed.

12 The judgment and order dated 10.1.2006 in Regular Criminal Case 757 of 1999, delivered by 1st Adhoc Additional Sessions Judge, Wardha which is subject matter of Criminal Appeal 22 of 2006 and the judgment and order dated 10.1.2006 in Regular Criminal Case 160 of 1999, delivered by 1st Adhoc Additional Sessions Judge, Wardha which is subject matter of Criminal Appeal 29 of 2006, are

set aside.

13 The accused in aforesaid two Regular Criminal Cases (Session Trials) are acquitted of offence punishable under section 324 of the IPC.

14 Fine paid by the accused, if any, in both the above Regular Criminal Cases (Sessions Trials), be refunded.

15 Criminal Appeal 22 of 2006 and Criminal Appeal 29 of 2006 are disposed of accordingly.

JUDGE

R S Belkhede, PA