

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1326 of 2018

Arising Out of PS. Case No.-5 Year-2013 Thana- MAHILA P.S. District- Kishanganj

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Pramod Sharma S/o Kashinath Sharma resident of Khagra, Machhmara, P.S.
and District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kajal Kumari Gupta D/o Shankar Gupta resident of Hospital Road, Gandhi Nagar, P.S. and District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha
For the Respondent/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-12-2018 This revision application has been preferred against the judgment dated 6.10.2018 passed by the Learned Sessions Judge, Kishanganj in Criminal Appeal No.6 of 2018 whereby and whereunder the learned Sessions Judge while acquitting the accused- petitioner from the charges under Section 326 o the IPC has affirmed the sentence under Section 341 and 448 of the IPC passed by the learned J.M. Ist class, Kishanganj, vide order dated 23.3.2018.

Submission of the learned counsel for the petitioner is that though the petitioner has been convicted under Section 326, 341 and 448 of the IPC by the learned trial court and sentenced to undergo S.I. for three years, a fine of Rs.5,000/- under Section 326 of the IPC, S.I. for six months under Section



448 of the IPC, S.I. for one year under Section 341 of the IPC but in the appeal filed by the petitioner bearing Cr. Appeal No.6 of 2018, conviction under Section 326 of the IPC has been set aside and the conviction under Section 341 and 448 of the IPC is affirmed. Further submission is that both Sections 341 and 448 of the IPC are compoundable in nature and now a joint petition has been filed by the informant in this case and on behalf of the mother of the petitioner and both have filed affidavit in the petition which is I.A.No.3381 of 2018 as such being a compoundable case, the case may be disposed of in the light of compromise petition i.e. I.A.No.3381 of 2018.

Learned counsel for the informant (Kajal Kumari) Mr. Nitesh Kumar, Advocate also appeared and he has filed a compromise petition under Section 321 of the Cr.P.C..

Considering the aforesaid facts and circumstances, in view of the compromise petition filed and signed by the informant and on behalf of the petitioner, the mother of the petitioner showing that the compromise has been reached between the parties and both the Sections 341 and 448 of the I.P.C. are compoundable as such this revision application is disposed of in the light of the I.A.No.3381 of 2018 and the conviction and sentences of the petitioner under both the



Sections 341 and 448 of the I.P.C. are set aside.

The petitioner is directed to be set at liberty at once.

(Vinod Kumar Sinha, J)

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