

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.78 of 2014**

1. Sadhram, S/o Chotu Ram Tandon, aged about 60 years,
2. Vishnu Prasad, S/o Sadhram, aged about 42 years,
3. Bhavendra Kumar, S/o Sadhram, aged about 34 years,
Appellants No.1 – 3 were the R/o Village Kodva, P.S. Pallari, District Baloda-Bazar, Chhattisgarh
4. Ganesh Ram, S/o Bhagchand, aged about 49 years, R/o Village Bellodi, P.S. Pallari, District Baloda-Bazar, Chhattisgarh, Revenue and Civil District Baloda-Bazar, Chhattisgarh

---- Applicants**versus**

1. State of Chhattisgarh through District Magistrate, Raipur, District Baloda-Bazar, Chhattisgarh, Revenue and Civil District Baloda-Bazar, Chhattisgarh
2. Kirti Bai, wife of Krishna Kumar, aged about 40 years, resident of Village Thelki, P.S. Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh

--- Respondents

For Applicants	:	Shri D.N. Prajapati, Advocate
For Respondent No.1/State	:	Shri U.K.S. Chandel, Panel Lawyer
For Respondent No.2/Complainant	:	Shri Ravi Maheshwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****13.8.2018**

1. Respondent No.2/Complainant Kirtibai, her husband Krishna Kumar and all the Applicants are also present in person.
2. Heard on I.A. No.1 of 2016 filed under Section 320(2) of the Code of Criminal Procedure.
3. In compliance with the order dated 25.7.2018, statements of Complainant Kirtibai, Applicant No.1 Sadhram, Applicant No.2 Vishnu Prasad, Applicant No.3 Bhavendra Kumar and Applicant No.4 Ganesh Ram have been recorded by the Additional Registrar

(Judicial). In their statements, they have stated that they have amicably compromised the matter with their free will without any fear and pressure.

4. Vide judgment dated 31.8.2013 passed in Criminal Case No.947 of 2012, the Chief Judicial Magistrate, Baloda Bazar has convicted and sentenced all the Applicants for the offences under Sections 354, 323/34 and 324/34 of the Indian Penal Code. The said judgment of conviction and sentence has also been affirmed by the Appellate Court vide judgment dated 30.1.2014. The incident had taken place on 5.7.2004. Though after the amendment in the Code of Criminal Procedure in 2013, offence under Section 354 of the Indian Penal Code is non-compoundable, at the time of occurrence and even at the time of pronouncement of judgment by the Trial Court it was compoundable. Both the parties have amicably settled their dispute. Both complainant Kirtibai and her husband Krishna Kumar have stated that they have compounded the offences with their free will and without any fear and pressure. Therefore, I.A. No.1 of 2016 is allowed and the offences under Sections 354, 323/34 and 324/34 of the Indian Penal Code are permitted to be compounded. As a consequence thereof, in the light of Section 320(8) of the Code of Criminal Procedure, all the Applicants are acquitted of the charges framed under Sections 354, 323/34 and 324/34 of the Indian Penal Code.
5. Resultantly, the revision is disposed of in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge