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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION No. 422 OF 2017
IN
CRIMINAL APPEAL No. 234 OF 2010

Prashant Subhash Aarude	...Applicant
Vs.	
The State of Maharashtra and Ors.	...Respondents

WITH
CRIMINAL APPLICATION No. 539 OF 2017
IN
CRIMINAL APPEAL No. 140 OF 2010

Ramdas @ Rama Sitaram Pawar and Ors.	...Applicants
Vs.	
The State of Maharashtra	...Respondent

APPA 422 of 2017

Mr. S.S. Kharat for Applicant

Mr. Karma Vivan a/w. Mr. Milan Hebballi for Respondent
Nos.2 and 3

Mr. S.H. Yadav, APP for the State.

APPA 539 of 2017

Mr. V.P. Tapkir for Applicants

Mr. J.S. Yadav for Respondent No.2

Mr. S.H. Yadav, APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 17, 2018

P.C.:

1. Heard the respective counsel.

2. The Applicants/Appellants herein are the Original Accused in Sessions Case Nos. 694 of 2008. The charge was framed against the Accused for the offences punishable under section 307, 147, 148, 149 in the alternative 307 r/w. 34, 504, 149 of the Indian Penal Code and under section 135 of Mumbai Police Act. The Learned Additional Sessions Judge, Pune vide judgment and order dated 25.1.2010 was pleased to convict the accused for the offences punishable under Sections 324 r/w 147, 148 and 149 of IPC and they are acquitted of the offences punishable under section 307, 504 r/w. 149 of IPC.

3. During the pendency of the appeal, the Appellants and the original complainant i.e. the injured witnesses have settled their disputes in order to maintain peace and tranquility in the society and in future also to maintain good relations between the parties, they have jointly filed Criminal Application No. 422 of 2017 seeking permission to compound the offences during the pendency of the appeal and also Criminal Application No. 539 of 2017 seeking permission to allow the appeal and acquit the Applicants. The accused-Appellants and the complainant have jointly filed an affidavit seeking relief of compounding the offences as contemplated under section 320 of the Code of Criminal Procedure, 1973. The Affidavit is taken on record and marked 'Article X' for the purpose of identification.

4. It is submitted by the Advocate for the Applicants and the accused persons that the Appellants/Applicants and Respondent Nos.2 and 3 reside in the same locality. That the second generation is on cordial terms and they do not wish that the pendency of the

present appeals or the conviction should reflect upon the harmonious relations between both the families. The offences punishable under section 324 are compoundable offences. The intention of the parties to the appeal has inspired the confidence of the Court. They wish to maintain peace and tranquility as well as harmony among both the parties. In view of this, the applications seeking relief of compounding the offences and acquitting the applicants deserve to be allowed.

5. The judgment and order dated 25.01.2010 passed by the Learned Sessions Court, Pune in Sessions Case Nos. 694 of 2008 is hereby quashed and set aside. The Appellants -accused are hereby acquitted of the offences punishable under sections 324 r/w 147, 148 and 149 of IPC. The fine amount, if paid, be refunded to the Applicants/Appellants.

6. The affidavit filed by the Applicants/Appellants and the complainant is also taken on record as an undertaking to this Court that they would maintain peace and harmony in the society.

7. In view of this, both the criminal applications as well as the appeals are allowed and stand disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]