

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 583 of 2008

1. Laxmi Narayan S/o Jai Narayan, aged about 40 years
2. Suresh Kumar S/o Jai Narayan, aged about 50 years
3. Sunil Kumar S/o Jai Narayan, aged about 38 years
4. Hari Vilas S/o Bhola Prasad, aged about 35 years
5. Hrishikesh S/o Jai Narayan, aged about 45 years

(All are resident of Ketka Road, Police Station- Surajpur, District- Sarguja, C.G.)

---- Appellant

Versus

- State Of Chhattisgarh, through the police Station- Surajpur, District- Sarguja, C.G.

---- Respondent

For Petitioner	:	Mr. Abhishek Sinha with Mr. Ankit Singhal Advocates.
For State/respondent	:	Mr. Roshan Dubey, Panel Lawyer.
For Complainant	:	Mr. Sandeep Yadav, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-11-2019

1. Heard on I.A. No.1/2014, an application jointly filed by the appellants and the complainant under Section 320 r/w Section 482 of the Cr.P.C. for grant of leave to compound the offences.
2. It is submitted by the learned counsel for appellants that appellants in this case have been convicted by the trial Court for offence under Sections 147, 323 and 452 of I.P.C. and sentenced with fine of Rs.400/-, Rs.300/- and Rs.100/- respectively. The appellate Court has in Criminal Appeal No.23/2007 vide judgment dated 26.08.2008 upheld the conviction of the appellants and also suspended the sentence of imprisonment imposed upon him under Sections 147 and 323 of I.P.C. however, the sentence of R.I. under Section 452 of I.P.C. has been

reduced to six months only.

3. It is prayed in the application that parties have amicably settled their dispute and have compromised their differences. This application was filed on 10.12.2014 which has remained pending. However, the statement of the appellants as well as the complainant- Roop Narayan Sahu has been recorded by the Registry of this Court on the basis of the order given by this Court.
4. Complainant- Roop Narayan Sahu has stated on oath on his behalf as well as on behalf of the another victim- Ramdaiya, his wife, that he has entered into compromise with the appellants and has settled dispute without any fear favour or influence. Therefore, he has stated that he does not want any proceeding against the petitioner.
5. Considering that the incident has occurred on 10.12.1987 and the decision of trial Court was given on 22.01.2007 and thereafter the decision of appellate Court was given on 26.08.2008 and thereafter, the revision petition is pending before this Court since the year 2008.
6. Considering that the complainant in this case has himself come forward to compromise the dispute and the learned counsel appearing on his behalf has also made such statement to allow the application and pass orders accordingly. Therefore, I feel inclined to allow the application for compounding the offences in which the appellants are convicted and which are compoundable. Therefore, on the basis of the compromise and under the provisions of Section 320 (1 & 2) of C.P.C., the composition of offence under Sections, 147 and 323 of I.P.C. is allowed. The conviction under Section 452 of I.P.C. against the appellants is non-compoundable.
7. Considering that after the composition of offences and the length of period that this dispute has taken to reach this Court, I am of this opinion that in such circumstances, the sentence of imprisonment

imposed upon the appellants cannot be said to be appropriate in any sense, which needs to be reduced so as to suit the prayer of compromise between the parties.

8. It is further submitted by the learned counsel for the appellants that the appellants have remained in jail for 3 days. Therefore, the sentence imposed upon the appellants needs to be reduced on the basis of the order of compromise and the other finding hereinabove.
9. This revision petition is allowed with modification. The conviction against the appellant under Section 147 and 323 is set aside on the basis of compromise and appellants are acquitted from these charges. The conviction against appellants under 452 of I.P.C. is upheld, however, the sentence imposed upon them by the trial Court is hereby modified and appellants are ordered to sentence of period of detention already undergone by them in jail along with fine of Rs.1000/-. In case of default in payment of fine, the petitioner/accused shall be required to undergo simple imprisonment of 15 days in jail.
10. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge