

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 381 of 2019

Mohammad Rafique S/o Late Abdul Kadir Aged About 63 Years
R/o Bakharupara, Narayanpur, Now District Narayanpur
Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Police Station Chhote Donger,
Now District Narayanpur Chhattisgarh.
2. Smt. Rashmi Salam D/o Late Nang Singh Aged About 24 Years
W/o Mr.Sunil Kumar, Old Address- Village Kongera, Tehsil
Narayanpur, District Narayanpur Chhattisgarh, Present Address-
Farasgaon, Tahsil Farasgaon, District Kondagaon Chhattisgarh.
3. Raimati D/o Mr. Rasiya Aged About 24 Years Old Address
Village Palli, Tahsil Narayanpur, District Narayanpur
Chhattisgarh Present Address- Malakot, Kudakasa, Tahsil and
District Kondagaon Chhattisgarh. **--- Respondent**

For the applicant : Mr. Raza Ali, , Advocate.
For the respondent : Mr. Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.2.2019

1. The prayer made in this petition is to allow the parties to
compound the offence under section 320 of Cr.P.C., and
acquit the petitioner by recalling the judgment dated
30.10.2010 whereby the petitioner suffered conviction
after due trial.
2. The petitioner was initially convicted in Sessions Trial
No.85/2017 for commission of offence under Section 448
and 354 of IPC & Section 3(1)(xi) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 and sentenced to undergo R.I., for 6 months

and fine of Rs.2000/-; R.I., for 1 year and fine of Rs.500/- & R.I., for 1 year and fine of Rs.500 respectively with further default stipulations.

3. After the said conviction, Criminal Appeal .No.325 of 2010 was decided by this Court on 30.10.2018 wherein the appeal of the petitioner was dismissed. Against such order/judgment, the petitioner has preferred SLP (Crl.) No. 214/2019 before Hon'ble the Supreme Court and the Supreme Court vide order dated 14.01.2019 dismissed the SLP with the following direction :

“The special leave petition is dismissed.

However, the petitioner is directed to surrender forthwith before the concerned jail authority to serve out the sentence awarded by the Court/s below.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.”

4. In view of the above, this Court is not inclined to entertain this petition as it would amount to over reaching the observation made by Hon'ble Supreme Court. Accordingly, this petition has no merit and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**