

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 250 of 2003

1. Chetan Lal S/o Dhansai Patel, aged 27 years,
2. Leeladhar S/o Dhansai Patel, aged 23 years,
3. Naresh S/o Dhansai Patel, aged 20 years,
4. Dhansai S/o Jholu, aged 65 years

All resident of Village Hathnevra, P.S. Champa Distt. Janjgir
Champa.

---- Appellants

Versus

- The State Of Chhattisgarh through the District Magistrate, Janjgir
Champa (CG)

---- Respondent

For Appellants	:	Shri Shivang Dubey, Advocate.
For Respondent/State	:	Shri Satosh Bharat, P.L.
For Complainants	:	Shri Govind Dewangan, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgement on Board

01/08/2019

This appeal has been filed under Section 374(2) of CRPC against the judgment of conviction and order of sentence dated 5.2.2003 passed by Additional Sessions Judge, Janjgir in ST No.457/2001, thereby convicting and sentencing the appellants under Sections 323 & 325 read with 34 of IPC.

02. In this case, appellant No.4 Dhansai has died on 3.12.2016. Death certificate of Dhansai issued by Department of Finance,

Planning, Economics and Statistics Directorate of Economic and Statistics has been filed by the appellants. Complainant Johitram has died on 20.9.2007 and his wife Paklibai Patel has also died on 10.2.2004. Their death certificates have also been filed by the counsel for the appellants.

03. The fact of death of appellant No.4 Dhansai and complainant Johitram and Paklibai has been verified and confirmed by learned counsel for the complainant as well as the State.

04. In view of above, the instant appeal stands abated and is dismissed as such in respect of appellant No.4 Dhansai.

05. The complainant Uttam Patel and Santosh Kumar have filed applications dated 5.11.2016 under Section 320(4) & 320(2) of CrPC for permission of the Court to compound the offences.

06. Considering the facts and circumstances of the case, the fact that Uttam Patel and Santosh Kumar being sons of complainant/injured Johitram and Paklibai who have died, are their legal representatives, the applications bear their signatures, they are present and duly identified by their counsel and for the reasons mentioned in the application, both the above applications are allowed and permission to compound the offences is granted.

07. The complainant Uttam Patel and Santosh Kumar and the appellants herein have jointly filed an application for compounding the offence under Sections 323 & 325/34 of IPC against the appellants which is supported by the affidavits of Uttam Patel and Santosh Kumar. Offence under Section 325 of IPC is compoundable with the

permission of the Court.

08. Considering the fact that the incident occurred way back in the year 2001, the application is duly supported by the affidavits of the complainants, as per statements made by the complainants and the appellants, who are present before this Court and duly identified by their respective counsel, relations between the complainant and the appellants have become cordial, they do not want to prosecute the appellants further and the compromise has been arrived at without any pressure, fear or coercion, the fact that both the offence i.e. under Sections 323 and 325 of IPC are compoundable and that Uttam Patel & Santosh Kumar being sons of complainant/injured Johitram and Paklibai who have died, are their legal representatives and competent to compound the offence on their behalf as per Section 320(4)(b) of CrPC, this Court is of the opinion that the application filed by the parties under Section 320 of CRPC deserves to be allowed and the same is hereby allowed. Consequently, the appellants Chetan Lal, Leeladhar and Naresh are acquitted of the charges leveled against them. They are reported to be on bail, therefore, their bail bonds stand discharged and they need not surrender. The appeal is, accordingly, allowed.

Sd/

(Gautam Chourdiya)

Judge