

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.724 of 2019**

- Jagdish Singh Viridi S/o Late Jaswant Singh Viridi, Aged About 75 Years R/o 21/29, Behind C.S.E.B. Office, Civil Line, Police Station, Civil Line, Raipur, District Raipur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station, Civil Line, Raipur, District Raipur Chhattisgarh.
2. Kuldeep Chaturvedi, S/o Shri Rajkishore Chaturvedi Aged About 36 Years R/o Village And Post Supiya, Police Station Govindgarh, District Riva Madhya Pradesh. At Present Address House No. 9, R.D.A. Colony, Tikrapara, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh. (Accused)
3. Sandeep Choubey S/o Shri Rajkishore Choubey Aged About 33 Years Permanent Address Village And Post Supiya, Police Station Govindgarh, District Riva Madhya Pradesh. At Present Address In Front Of Dr. Lohana, Pujari Nagar, Tikrapara, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh.
4. Smt. Vandana Chaturvedi W/o Shri Kuldeep Chaturvedi Aged About 33 Years Permanent Resident Of Village And Post Dugma, Police Station Mangawa, District Riva Madhya Pradesh. At Present Address House No. 9, R.D.A. Colony, Tikrapara, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Chandraprakash Sharma (Advocate / Notary), Address - 10 Nagar Marg, Choubey Colony, Raipur, Police Station Saraswati Nagar, Raipur Chhattisgarh.

---- Respondents

For the Appellant : Shri Pradeep Singh Rathore, Advocate
 For Respondent No.1/State: Shri Raghavendra Verma, Govt.
 Advocate
 For other respondents : Not noticed

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board**

14.11.2019.

1. This appeal has been preferred against Order dated 30.5.2019 passed by Additional Sessions Judge/Special Judge for trial of CBI cases, Raipur (CG) in Criminal Revision No. 307/2019 wherein the said Court by allowing the application of compounding by the appellant/complainant under Section 320(2) of the CrPC acquitted the respondents 2, 3 & 4 for the charges under Sections 420, 408 & 406 IPC.

2. Admittedly, the appellant/complainant filed application for compounding of the offences as mentioned above, before the trial Court that is the Court of Additional Chief Judicial Magistrate, Raipur who rejected the application on 16.4.2019 in Criminal Case No.8279/2014.

3. Learned counsel for the appellant submits that notice was not served to him, therefore, order passed by the trial Court is not sustainable.

4. Admittedly, the application for compounding was filed by the appellant before the trial Court but the trial Court rejected the said application. Revision against the said order is continuation of the proceeding of the trial Court and as per Section 320(2) of the CrPC, offence under Sections 406, 408 and 420 IPC are compoundable with the permission of the Court. The revisional Court granted permission and acquitted the respondents 2, 3 & 4 from the above three charges which is compoundable. When the appellant has filed application for compounding the offence, he is

not required to be called before the revisional Court because filing of the application is sufficient for compounding. Therefore, it is not a case where interference of this Court is required with the order of the revisional Court. It is also not a case where the respondents should be called for full consideration of the appeal.

5. Accordingly, the appeal is dismissed at the motion stage itself.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**