

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 112 OF 2019

Manohar Sukdev Patil

Age : 43 years, Occu. : Agril,

R/o Mundane Pra, Tq. : Parola,

Dist. Jalgaon.

...Applicant

Versus

1] The State of Maharashtra,
Through, Parola Police Station,
Tq. Parola, Dist. Jalgaon,

2] Anitabai Jagannath Sonar,
Age : 40 years, Occu. Housewife,
R/o Mundane, Tq. Parola, Dist.
Jalgaon.

...Respondents

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Mr.P.B.Patil, Advocate for Applicant.

Mr.S.P.Sonpawale, A.P.P. for Respondent No. 1-
State.

Mr.P.H.Patil, Advocate for Respondent No. 2.

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CORAM : V.M.DESHPANDE, J.

DATE : 9TH APRIL, 2019

ORAL JUDGMENT :

01. The present revision is filed challenging the Judgment and Order of conviction passed by learned J.M.F.C., Parola, Dist. Jalgaon dated 6.12.2016 in R.C.C. No. 53/2009, which is confirmed by the learned Additional Sessions Judge-1, Ammalner in Criminal Appeal No. 1/2017 dated 27.3.2019.

02. By the impugned Judgment and Order of conviction, applicant Manohar Sukdev Patil resident of Mundane was convicted by the learned Magistrate for the offence punishable under Section 324 of Indian Penal Code and was directed to suffer simple imprisonment for 3 months and to pay a fine of Rs. 500/-. Though, he was convicted for the said offence, he was acquitted for the offence punishable under Sections 504, 506 the of I.P.C. for which he was also charged. The Counsel for the applicant is directed to join the first informant as a party-respondent immediately.

03. Against the Order of acquittal no appeal was presented either by the complainant or by the State.

04. It is the applicant, who questioned the correctness of his conviction at the hands of learned Magistrate by filing Criminal Appeal No. 1/2017 before Sessions Court and the learned Additional Sessions Judge-1, Ammalner dismissed the appeal on 27.3.2019. Though the appeal was dismissed by the Appellate Court.

05. Rule. Rule is made returnable forthwith.

Heard the learned Counsel for the applicant Mr.P.B.Patil and Mr.S.P.Sonpawale, the learned A.P.P. for the State and Mr. Prafullsing Patil, the learned Counsel for the complainant-first informant.

06. The applicant has filed the application for seeking permission to compound the offence. The application is taken on record and marked as Exh. "X" for the purposes of identification. Similarly, first informant Smt. Anitabai widow of Jagannath Sonar, who is personally present in the Court also filed an affidavit for compounding the offence. The said is taken on record and marked as document "Z" for the purpose of identification.

07. The incident is dated 22.5.2009 i.e. subsequent to the amendment to Section 320 of the Code of Criminal Procedure. Though the offence punishable under Section 324 is non-compoundable, the applicant and the first informant are praying to this Court for exercise of its revisional power to compound the offence. In view of the fact that they are resident of very same village and very same locality, they have settled their dispute with the intervention of the elderly persons from the society.

08. I have personally enquired with first informant - Smt. Anitabai as to whether she is filing affidavit in any duress, in pressure or any allurements. She gave answer in negative. It was her submission that she has filed the affidavit on her own. In that view of the settlement that arrived at in between her and the present applicant due to the intervention of the elderly persons from the society. It is to be mentioned here that all the talks with the complainant was communicated with her by the Court in the language which she understands i.e. in Marathi.

09. Though the offence is non-compoundable in view of the law laid down by the Honourable Apex Court in **Gian Singh V/s State of Punjab**, reported in (2012 Vol. 10 SCC page 303) and which is reiterated in **Narendrasing V/s the State of Punjab**, (2014 Volume 6 SCC 466), I exercise my revisional jurisdiction to compound the offence in order to bury all the disputes in between the applicant and the first informant forever.

10. The incident in question has occurred on 22.5.2009. It is not reported to this Court that from the said day till today any further untoward

incident has occurred in between the parties. In that view of the matter, I pass following Order;

ORDER

- (i) The revision is allowed.
- (ii) The applicant and complainant Smt. Anitabai are permitted to compound the offence in which the applicant is convicted.
- (iii) In view of the compounding, the Judgment and Order passed by the learned J.M.F.C., Parola, Dist. Jalgaon dated 6.12.2016 in R.C.C. No. 53/2009, which is confirmed by the learned Additional Sessions Judge, Ammalner in Criminal Appeal No. 1/2017 dated 27.3.2019, are hereby quashed and set aside. The applicant is acquitted for the offence punishable under Section 324 of the I.P.C.
- (iv) Rule made absolute in those terms.

[V.M.DESHPANDE]
JUDGE

Dahibhate/-