

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 994 OF 2017

Shri.Prashant Pandurang Sankpal

...Applicant

Versus

State of Maharashtra & Ors.

...Respondents

Mr.Vilas B.Tapkir for the Applicant.

Mr. A.R.Patil, APP for Respondent No. 1-State.

Mr.Jyotiram S. Yadav for Respondent Nos. 2 and 3.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 22 FEBRUARY 2019

P.C.:

1. This Criminal Application is filed under section 482 of the Code of Criminal Procedure.

2. The applicant /accused is convicted for the offence punishable under sections 354 (A) (1), 452 and 506 of the Indian Penal Code (for short "IPC") by order dated 7th May, 2015 passed by the learned Judicial Magistrate First Class, Wai. By the said order, the applicant/accused is sentenced to suffer S.I for 6 months and to pay a fine of Rs. 10,000/-, in default to suffer S.I. for 3 months under section 354 (A) (1) of the IPC; under section 452 of the IPC, the applicant/accused is sentenced to suffer S.I. for 6 months and to pay a fine of

Rs. 5000, in default to suffer S.I. for 2 months; under section 506 of the IPC, the applicant/accused is sentenced to suffer S.I. for 3 months and to pay a fine of Rs. 1000/-, in default to suffer S.I. for 1 month.

3. The learned counsel for the applicant/accused submits that against the said order, the applicant/accused has preferred Criminal Appeal No. 46 of 2015, which is pending before the Sessions Court, Satara. In the said Appeal, the applicant/accused and prosecutrix have filed a compromise pursis on 25th April, 2017. However, the learned Sessions Judge rejected the said compromise pursis and the prayer of compounding the offences on the ground that the offences under sections 354 (A) (1) and 452 of the IPC are non-compoundable.

4. Heard. Perused the judgment passed by the learned Sessions Judge. The view taken by the learned Sessions Judge cannot be faulted with. However, the said compromise pursis can be considered by the learned Sessions Judge at the time of hearing the Appeal. The learned Sessions Judge to expedite the Appeal.

5. With this, Criminal Application is dismissed.

(MRIDULA BHATKAR, J.)