

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**904 CRIMINAL REVISION APPLICATION NO.354 OF 2019
RAMDAS S/O. HARIDAS BANE
VERSUS
THE STATE OF MAHARASHTRA**

Mr.Kalyan V. Patil, Advocate for the applicant.
Mr.S.P. Tiwari, APP for the respondent/State.
Mr.Eknath G. Irale, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 30.09.2022**

PC :-

01. Leave to add name of the informant.

02. The Criminal Revision Application is arising out of the judgment and order passed by the learned Additional Sessions Judge, Ahmedpur dated 26.11.2019 in Criminal Appeal No.1 of 2014, whereby an appeal is dismissed confirming the judgment and order of conviction dated 16.12.2013 recorded by the learned Judicial Magistrate, First Class, Ahmedpur in STCC No.38 of 2009. The learned JMFC held present applicant guilty of offence punishable under section 354 of the Indian Penal Code and has awarded sentence of two months and fine of Rs.2000/- in default to suffer simple imprisonment for 15 days. The applicant is acquitted of offences punishable under sections 323, 504 and 506 of the IPC.

03. Now the original informant, namely, Manisha d/o. Dnyanoba Barule, (after marriage-Smt. Manisha w/o. Balaji Chopde) has filed Criminal Application for intervention and the same is allowed. She states that there is compromise between the parties. She wants to reside peacefully with her husband. Now there is compromise between the parties because of initiative taken by elderly persons in the village.

04. There is also an affidavit executed by both the informant as well as the applicant.

05. Considering that the conviction is for offence punishable under section 354 of the IPC, which is not compoundable, however, certainly a note can be taken of the intention of the parties. Though the offence cannot be compounded, but factum of compromise can be considered for the purpose of awarding sentence.

06. Learned Advocate for the applicant submits that the applicant has already suffered imprisonment for more than 15 days.

07. Considering that the sentence is of only two months as awarded by the Courts below and out of that the same applicant has already suffered sentence for more than 15 days, it would be in the interest of justice to reduce the sentence to the period already undergone by the applicant. In view of this, no purpose would be served by keeping this Criminal Revision Application pending for years together. Hence, following order is passed :-

ORDER

i) Criminal Revision Application is allowed.

ii) The judgment of conviction passed by the 3rd Judicial Magistrate, First Class, Ahmedpur dated 16.12.2013 in STCC No.38 of 2009 and confirmed by the Additional Sessions Judge, Ahmedpur by judgment and order dated 26.11.2019 in Criminal Appeal No.1 of 2014, is maintained as it is, however, the sentence is reduced to the period already undergone by the applicant.

iii) The Criminal Revision Application is accordingly disposed of.

[KISHORE C. SANT, J.]