

CRA-S-1843-SB-2005 and other connected case

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on:24.04.2023

Date of Pronouncement:25.04.2023

(1)CRA-S-1843-SB-2005 (O&M)

Paramjit Kumar @ Pamma

...Appellant

VS.

State of Punjab

...Respondent

(2)CRA-S-1640-SB-2005 (O&M)

Manohar Lal @ Tidda and others

...Appellants

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mohd. Yousaf, Advocate
for the appellant in CRA-S-1843-SB-2005.

Mr. Anmol Partap Singh Mann, Advocate
for the appellants in CRA-S-1640-SB-2005.

Mr. M.S.Bajwa, DAG, Punjab.

Mr. Angrej Singh, Advocate
for respondents No.2 and 3 in CRA-S-1640-SB-2005.

Mr. Abdul Aziz, Advocate
for respondents No.2 and 3 in CRA-S-1843-SB-2005.

N.S.Shekhawat J.

CRM-17140-2023 in CRA-S-1843-SB-2005

1. The applicant/appellant has moved the present application with a prayer to place on record the affidavits of respondent No.2-Balwinder Kumar and respondent No.3-Om Parkash as Annexures R-2 and R-3, respectively.

CRA-S-1843-SB-2005 and other connected case

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2. Learned counsel for the applicant-appellant submits that the disputes between the appellant and the private respondents have been amicably resolved and compromised with the intervention of the friends and respectables of both the sides and he wants to place on record Annexures R-2 & R-3 in this regard.

3. The application is allowed and the affidavits of respondent No.2-Balwinder Kumar and respondent No.3-Om Parkash are taken on record as Annexures R-2 and R-3.

CRM-16949-2023 in CRA-S-1640-SB-2005

1. The applicants/appellants have moved the present application with a prayer to place on record the affidavits of respondent No.2-Om Parkash and respondent No.3-Balwinder Kumar as Annexures R-1 and R-2, respectively.

2. Learned counsel for the applicants-appellants submits that the disputes between the appellants and the private respondents have been amicably resolved and compromised with the intervention of the friends and respectables of both the sides and he wants to place on record Annexures R-1 & R-2 in this regard.

3. The application is allowed and the affidavits of respondent No.2-Om Parkash and respondent No.3-Balwinder Kumar are taken on record as Annexures R-1 and R-2.

CRA-S-1843-SB-2005 and CRA-S-1640-SB-2005

1. This judgment shall dispose off two criminal appeals i.e. CRA-S-1843-SB-2005 and CRA-S-1640-SB-2005, whereby the appellants have challenged the common impugned judgment of conviction and order of

sentence dated 08.09.2005, whereby the appellants have been convicted under Sections 307, 324, 323, 148 and 149 of the Indian Penal Code (for short 'IPC'). The accused Paramjit Kumar @ Pamma was sentenced to undergo rigorous imprisonment for a period of six years under Section 307 IPC and to pay a fine of Rs.1,000/- and rigorous imprisonment for one year under Section 148 IPC and to pay a fine of Rs. 500/- along with default stipulation, whereas the other appellants, namely, Manohar Lal @ Tidda, Sonu @ Manjit Kumar, Kuldeep Kumar @ Deepa and Gurdial Chand were sentenced to undergo rigorous imprisonment for a period of six years under Sections 307 read with Section 149 IPC and to pay a fine of Rs.1000/- each along with default stipulation.

2. The FIR in the instant case was registered on the basis of the statement made by the complainant-Balwinder Kumar. As per the complainant, at about 7.00 am on 26.04.2002, he was present near the shop of Bhim Sen and in the meantime, Paramjit Kumar @ Pamma armed with a dagger (Chhura), Sonu, Manohar Lal @ Tidda, Kuldeep Kumar @ Deepa and Gurdial Chand all four of them empty handed were present there. In the meantime, Om Parkash @ Laddu also came there. On seeing him, Gurdial Chand, accused exhorted that he should be taught a lesson for calling them by names and for the dispute of last day. Manohar Lal, Kuldeep Kumar and Sonu caught Om Parkash from his legs and arms and Paramjit Kumar gave blows with dagger (Chhura) on the right shoulder and right side of stomach of Om Parkash, injured. He fell down on the ground. Balwinder Kumar and Om Parkash raised noise to save them, but Paramjit Kumar @ Pamma again gave knife blows, which had hit Om Parkash on his back and right side of his chest. In the meantime, Buta Ram S/o

Ganda Ram came there and all the accused ran away from the spot along with their respective weapons. Om Parkash, injured was shifted to the Civil Hospital. The police recorded the statement of Balwinder Kumar, complainant and on the basis of the said statement, FIR was formally recorded in the instant case. Dilbag Singh, ASI conducted the initial investigation and weapon of offence was recovered. After completion of the necessary investigation, the challan was presented against the accused under Section 307 IPC.

3. Since the offence under Section 307 IPC was exclusively triable by the Court of Sessions Judge, the case was committed and the Court of learned Additional Sessions Judge, Jalandhar i.e. learned trial Court ordered framing of charge under Section 307, 324, 323, 148 and 149 IPC against the present appellants, to which they pleaded not guilty and claimed trial.

4. In order to prove the charge against the appellants, the prosecution examined eight witnesses i.e. PW-1 Dalip Singh, PW-2 Balwinder Kumar-complainant, PW-3 Om Parkash, injured, PW-4 Dr. Jagir Singh, PW-5 ASI Mohinder Singh, PW-6 Dr. Sanjeev Babuta, PW-7 ASI Dilbagh Singh and PW-8 HC Jagir Singh.

5. I have heard learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully in the instant case.

6. At the very outset, learned counsel for the appellants submits that from a perusal of testimonies of PW-4 Dr. Jagir Singh and PW-6 Dr. Sanjeev Babuta, Surgeon, Civil Hospital, Jalandhar, it is evident that no offence under Section 307 IPC is made out against the present appellants. Learned counsel

further contended that the complainant-Balwinder Kumar and Om Parkash, injured, have already been impleaded as respondents in the present appeals and their respective affidavits have been placed on record, wherein they have admitted the factum of compromise between the parties and have sought the permission of the Court to compound the offences. Consequently, after holding that no offence under Section 307 IPC is made out, the parties may be permitted to compound the offences and the appellants in both the appeals may be ordered to be acquitted.

7. To examine the above said submissions, it would be appropriate to revert to the testimonies of PW-4 Dr. Jagir Singh and PW-6 Dr. Sanjeev Babuta. As per PW-4 Dr. Jagir Singh, he had medico legally examined Om Parkash S/o Gian Chand, sole injured and found the following injuries on his person:-

“1. An incised punctured wound 3 cm x 1 ¼ x 3 ½ cm on the pesterious surface of the left shoulder joint. The wound was 4 cm from the acromian process. The wound was bleeding. On probing the wound was extending inferiourly and medially.

2. An incised punctured wound 4 cm x 2.3 cm on the right lateral lower side of chest in the mid axillary line. The wound was slightly transverse and was 29 cm below the axilla and 15 cm from the mid of spine and 16 cm from the mid anterior line. Bleeding was present. The probing was not done.

3. An incised punctured wound 2.8 cm x 1.2 cm on the back. The wound was 1.5 cm to the right of mid line and was 40 cm below the nape of neck. The wound was transversly placed and was bleeding.

4. A liner abrasion 3 cm on the anterior aspect of right upper chest 11 cm below acromin. The abrasion was red.”

8. As per PW-4- Dr. Jagir Singh, the patient was conscious, blood pressure was 110/70 mm of HG and the pulse was 98 per minute. The patient was well oriented with time and space. Injury No.4 was declared simple, whereas injuries No.1, 2 and 3 were kept under observation. On the receipt of the surgical opinion of Surgical Specialist of Civil Hospital, Jalandhar, injury No.3 was declared dangerous to life and injuries No.1 and 2 were declared to be simple. Injuries No.1, 2 and 3 were caused by a sharp weapon, while injury No.4 was caused by a blunt weapon. On 26.04.2002, on application made by the local police, he had declared Om Parkash @ Laddu, injured to be unfit for statement vide his endorsement Ex. PD/1, which was signed by him. In his cross-examination, he admitted that the patient was conscious, when he had prepared the MLR of the injured and his signatures were obtained on the MLR Ex.PC. He attended him for 90 minutes and after that, the patient was referred to Civil Hospital, Jalandhar and after that, he had not attended the patient. He admitted that the Surgeon had given the opinion regarding injury No.3 as might have been dangerous to life, if left untreated. Even the patient was declared to be unfit due to the effect of sedation. The prosecution further examined Dr. Sanjeev Babuta, Surgeon, Civil Hospital, Jalandhar as PW-6. He stated that he had conducted the operation on patient, namely, Om Parkash as he was having haematuria and was bleeding from the stab injury at back (injury No.3 as per the MLR). He stated that as per injury No.3, there was obvious trauma to the underlying vital structures (Kidney). This injury might have proved dangerous to life, if left untreated. As per the Surgical opinion regarding injuries No.1, 2 and 4, there was no other clinical evidence of trauma to the underlying vital

structures. He proved on record the carbon copy of operation notes as Ex.PF. In his cross-examination, he stated that the patient was conscious at the time of his admission in the hospital and after admission of the patient, he started improving. He further admitted that there was no entry in the bed head ticket that the patient became serious at any stage during his admission in the hospital.

9. Before proceeding further to decide other issues, it would be appropriate to determine in the present case as to whether the offence under Section 307 IPC is proved against the appellants or not. To appreciate the said contention, it would be appropriate to reproduce Section 307 IPC, which reads as follows:-

“Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as to hereinbefore mentioned.”

10. A reading of Section 307 IPC, the following ingredients would be essential to make out an offence under Section 307 IPC - (i) That the accused did an act; (ii) that the act was done with intention or knowledge and under such circumstances to cause a bodily injury as the accused knew to be likely to cause death or that such bodily injury in the ordinary course of nature was sufficient to cause death, or that the accused attempted to cause such death by doing an act known to him to be so imminently dangerous that it must in all probability

cause death or such bodily injury as is likely to cause death; and (iii) that the accused had no excuse for incurring the risk of causing such death or injury.

11. To prove the serious offence under Section 307 IPC, it has to be shown that the act committed by the accused falls short of death of the injured. Equally, the question, what injuries are dangerous to life, is apposite. Modi on Medical Jurisprudence and Toxicology, 24th Edition, page 559 has described the injury dangerous to life as follows:-

“Danger to life should be imminent before the injuries are extensive and implicate important structures or organs, so that they may prove fatal in the absence of surgical aid. For instance, a compound fracture of the skull, a wound of a large artery or rupture of some internal organs, such as the spleen, should be considered dangerous to life. But the injuries which prove fatal remotely by inter-current diseases, such as tetanus, erysipelas etc. should not be considered as dangerous.”

12. The primary contention raised on behalf of the appellants in the present appeals are that the provisions of Section 307 IPC are not attracted in the present case. Learned counsel for the appellants have extensively referred to the testimonies of PW-4 Dr. Jagir Singh and PW-6 Dr. Sanjeev Babuta, to contend that in view of the medical opinion, it stood established on record that the ingredients of the offence under Section 307 IPC were missing in the instant case. I find considerable force in the submissions made by learned counsel for the appellants and it can be safely concluded that no offence under Section 307 IPC is made out against the appellants in view of the following findings:-

(i) That from a perusal of the testimony of the complainant PW-2 Balwinder Kumar, it is apparent when he was present in the Chowk of the village, near the shop of Bhim Sen; only the accused were present and the injured was not present there. From the evidence of the prosecution, it was apparent that the injured reached at the spot at a subsequent stage. The prosecution has led no evidence to prove on record that the assailants were aware of the expected arrival of the injured at the spot. In fact, the evidence clearly suggests that the injured reached at the place of occurrence all of a sudden.

(ii) In catena of judgments, the Hon'ble Supreme Court has laid down the test to determine the intention of the accused. The intention of the accused can be gathered from various circumstances like motive, words used by the accused at the time of commission of offence, weapons used, at which bodily part the injury was caused etc. The prosecution has been held against the appellants under Section 307 IPC in the instant case and it has been alleged that the accused had the intention to cause such bodily injuries, which were capable of causing death and such act has fell short of death. However, from the prosecution case, it is apparent that five persons are named in the FIR, however, as per the prosecution, the four assailants were empty handed and did not cause even a single injury. All injuries were attributed to only one accused Paramjit Kumar @ Pamma. Thus, the *mens rea* or the

requisite intention, so as to cause such injuries, which could attract Section 307 IPC were missing in the instant case.

(iii) It is apparent from the prosecution case that the occurrence had taken place without any pre-meditation nor the prosecution had led any evidence to indicate the prior meeting of mind. Rather, the occurrence had taken place at the spur of moment, when Om Parkash @ Laddu, injured reached at the spot.

(iv) Even it has been stated by the prosecution witnesses that the injuries were caused to Om Parkash @ Laddu, injured for calling the names of the accused and for the fight of last day. Apart from that, no other motive has been attributed to the present appellants. However, the motive in the present case was not so strong, as would have been incited the assailants to cause such bodily injuries, as would be sufficient to cause death in ordinary course of nature.

(v) most importantly, the entire prosecution case was based on the testimonies of PW-4 Dr. Jagir Singh and PW-6 Dr. Sanjeev Babuta. Even PW-4 Dr. Jagir Singh had based his opinion on the basis of surgical opinion of Surgical Specialist of Civil Hospital, Jalandhar i.e. PW-6 Dr. Sanjeev Babuta, Surgeon. Even PW-6 Dr. Sanjeev Babuta, Surgeon clearly stated that except injury No.3, all other injuries were simple. Even injury No.3 might have proved dangerous to life, if left untreated.

13. A plain reading of this opinion would not be sufficient to attract the provision of Section 307 IPC in the instant case. The prosecution had failed to prove that the injury inflicted on the victim was sufficient in the ordinary course of nature to cause death and in the considered opinion of the Court, it would be unsafe to convict the appellants under Section 307 IPC, keeping in view the above-stated opinion rendered by PW-6 Dr. Sanjeev Babuta. Apart from that, even the said Surgeon also admitted that the patient was conscious at the time of his admission in the hospital and he started improving after admission. He further admitted that there was no entry in the bed head ticket that the patient became serious at any stage during his admission in the hospital. Thus, the findings of the learned trial Court are erroneous and are liable to be set aside by this Court in view of the above referred reasons.

14. It has been held by this Court in the matter of “**Atul Vs. State of Haryana**”, 2015 (8) R.C.R. (Criminal) 113 as follows:-

“23. If an injury inflicted on the victim is not sufficient in the ordinary course of nature to cause death, the provisions of Section 307 I.P.C. are not attracted in that case. In the instant case, the injuries with kitchen knife were caused on the neck, chest and abdomen. Statement of Dr. Viplav Mishra that injuries were dangerous and if timely medical aid had not been given to patient Sanjay, he would have died, is not sufficient to draw the inference that the injury was dangerous to life. In similar circumstance, in case of Piara Singh v. State of Punjab 1996(2) RCR (Criminal) 371, it was observed as follows:-

*"PW8 Dr. J.K. Sachdeva, after describing two injuries noticed by him on the person of Mukhtiar Singh clearly stated in his examination-in-chief itself that injury No.2, which admittedly was the only injury which was serious in nature could be dangerous to life and could cause death of the injured in the ordinary course of nature if treatment was not given to him. Injury No.2 has been attributed to Piara Singh and the other injury which is simple in nature, has been attributed to Gulzar Singh appellant. In **Tej Ram v. State of Punjab, 1978 CLR P&H 76** it was held that, "the injury in question had ruptured the lung of the victim and was described by the examining doctor as dangerous to life and if not treated, i.e., to say that but for timely and medical aid the injured was likely to die. This is certainly not the type of the injury as would attract the provisions of Section 307 of the Code which envisages an injury sufficient in the ordinary course of nature to cause death. The injury described by the doctor was a lesser injury which would fall within clause Eightly of Section 300 of the Indian Penal Code and be punishable under Section 326 thereof." The same very view has been taken by this court in two other decisions in **Gurjant Singh v. State of Punjab, 1983 (1) RCR 319** and **Narmail Singh v. Nihal Singh, 1979 PLR 151**. Following the dictum of law laid down in the decisions, referred to above, I hold that none of the appellants can be convicted under section 307 Indian Penal Code."*

15. However, this Court has carefully perused the testimonies of other witnesses examined by the prosecution in the instant case. The prosecution examined PW-2-Balwinder Kumar, complainant of the case, who supported the

prosecution case as mentioned in the FIR. The testimony of PW-2 Balwinder Kumar has been duly supported by PW-3 Om Parkash @ Laddu, injured. Both the witnesses were subjected to lengthy cross-examinations, however, the learned defence counsel could not elicit anything which could shatter the credibility of these witnesses in any manner. The ocular account of the prosecution was duly supported by the testimony of PW-4 Dr. Jagir Singh, who had initially drawn the MLR Ex.PC and pictorial diagram Ex.PC/1 of the injured, namely, Om Parkash @ Laddu. Further, PW-6 Dr. Sanjeev Babuta had proved his surgical opinion Ex.PF on the file. The prosecution further examined PW-7 ASI Dilbag Singh, Investigating Officer of the case, who had proved on record the recovery of dagger (Chhura) from Paramjit Kumar & Pamma, appellant and had proved on record the investigation of the present case. Thus, even though no offence is made out under Section 307 IPC, still there was sufficient material to convict the appellants under Section 326, 324, 323, 148, 149 IPC.

16. Learned counsel for the appellants in both the cases contended that in the instant case, the parties had entered into an amicable settlement and had resolved all their disputes. The occurrence had taken place on 26.04.2002 i.e. about 21 years ago. The sentences imposed on the present appellants were ordered to be suspended in the year 2005/2006 and since then, the appellants have not misused the concession of bail. Apart from that, all the appellants were ordinary villagers and had resolved their disputes with the help of the respectables and common friends. They are staying peacefully in the village for the last several years. Even the appellants have placed on record the affidavit of

complainant Balwinder Kumar as Annexure R-2 and affidavit of injured Om Parkash as Annexure R-3. Both the injured as well as complainant clearly stated that they had no objection if the FIR as well as all subsequent proceedings arising therefrom including the judgment of conviction may be quashed/set aside on the basis of the said compromise. Learned counsel for the appellants further contended that the criminal proceedings involving non-heinous offences can always be quashed irrespective of the fact that the trial had already been concluded or the appeals stand dismissed against conviction. It is appropriate to say that the cases where the compromise is arrived at post-conviction, the High Court ought to exercise such discretion cautiously, keeping in view the circumstances surrounding the incident, the way in which the compromise had been arrived at and also with due regard to the nature and seriousness of the offence. Apart from that, the Court has to look into the conduct of the accused before and after the incident. In appropriate cases, this Court can always exercise the extra-ordinary powers of this Court, conferred under Section 482 Cr.P.C. to secure the ends of justice. Learned counsel for the appellants also referred to the judgment passed by the Hon'ble Supreme Court in the matter of “**Ramgopal and another Vs. State of Madhya Pradesh**”, **2021 (4) R.C.R. (Criminal) 322; 2022 CriLJ 2801**, in which the Hon'ble Supreme Court held as follows:-

*“10. The compendium of these broad fundamentals structured in more than one judicial precedent, has been recapitulated by another 3-Judge Bench of this Court in **State of***

Madhya Pradesh v. Laxmi Narayan & Ors., (2019) 5 SCC 688

elaborating:

"(1) That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

(2) Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

(3) Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

(4) xxx xxx xxx

(5) While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he

was absconding, how he had managed with the complainant to enter into a compromise, etc. "

(Emphasis Applied) "

11. True it is that offences which are 'non-compoundable' cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C., 1973 Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, 1973 which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., 1973 which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C., 1973 is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C., 1973 The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C., 1973 in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of

its inherent powers under Section 482 Cr.P.C., 1973 even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C., 1973 would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers

*under Section 482 Cr.P.C., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. v. State of Punjab & Ors., (2014) 6 SCC 466** and *Laxmi Narayan (Supra)*.*

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

17. In the present case also, all the appellants are ordinary villagers. Even the appellants as well as the complainant and the injured belonged to the same village. From a perusal of the facts of the case, it is evident that there was no pre-meditation and the occurrence had taken place at the spur of the moment. Except Paramjit Kumar, appellant, no other appellants had caused the injuries to the sole injured, namely, Om Parkash @ Laddu. Apart from that, the

occurrence had taken place over a trivial issue and now for the last several years, the parties are living in the village peacefully. It is also admitted by learned counsel appearing on behalf of the complainant and the injured that they had no objection, if the criminal proceedings are annulled by this Court, while exercising its extra-ordinary jurisdiction under Section 482 Cr.P.C. on the basis of compromise between the parties. Even the compromise deed as well as affidavits of the injured/complainant are on record, who are duly represented by learned counsel and this Court has no reasons to disbelieve the same. Thus, by exercising the powers under Section 482 Cr.P.C., the parties are allowed to compound the offences, in view of the judgment passed by the Hon'ble Supreme Court in the matter of **Ramgopal's case (Supra)**. Hence, both the appeals are allowed. The impugned judgment of conviction and order of sentence dated 08.09.2005 are set aside and the appellants are ordered to be acquitted. The bail bonds of all the appellants stand discharged and they may be released from custody, if not on bail and if not required in any other case.

18. All pending applications, if any, are also disposed off, accordingly.

19. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law. The trial court record be sent back.

25.04.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes