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14criapl504.04

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 CRIMINAL APPLICATION NO.3629 OF 2024

IN

CRIMINAL APPEAL NO. 504/2004

AND

CRIMINAL APPEAL NO. 504/2004

Vishwanath Sheku Sultane and anr

vs

State

AND

15 CRIMINAL APPLICATION NO.3628 OF 2024

IN

CRIMINAL APPEAL NO. 586/2004

AND

CRIMINAL APPEAL NO. 586/2004

Krishna Kashinath Sultane

Vs

State and another

Mr. Sohail Subhedar, Advocate h/f Mr. N. S. Ghanekar, Advocate
for the appellant in Appeal No. 504/04

Mr. Shripad Kulkarni, Advocate for the appellant in Appeal
No.586/04

Mr. K. K. Naik, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 19th AUGUST, 2024

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1. Both appeals are arising out of counter cases filed by
cousin brothers against each other over land dispute. However,
thereafter there was a settlement between the brothers.

2. Now when the appeals are on today's board for final hearing, on receiving a letter from legal heirs of original complainant and original accused, respective lawyers have come before this court and informed that there is settlement between parties and they do not wish to prosecute against each other and wants to compound the offence.

3. Conviction is for the offence punishable under Section 323 read with section 34 of the IPC in Appeal No. 504 of 2004 and even in Appeal No.586 of 2004. Said offence is compoundable. On the last occasion this court had only a doubt as to whether legal representatives of the original complainant can compound the offence in view of death of the original complainant.

4. Today, learned counsels have placed on record the order passed by the Hon'ble Apex Court in Criminal Appeal No. 87/2019 in the case of Duvvu Raja Sekhar @ Raju and Anr Vs

State of Andhra Pradesh wherein the Hon'ble Apex Court has permitted even the legal representative of the original complainant to enter into compromise to compound the offence in view of the compromise between the parties, their conviction was under Section 307, however was converted into the sentence under Section 325 of the IPC.

5. It is seen that even legal heirs of original complainant can compound the offence.

6. This court has already taken on record the settlement deed on the last date.

7. Today, the parties have presented the applications seeking permissions to compound the offence. The applications are taken on record.

8. Learned APP has raised an objection stating that offence is in fact against the State and therefore, such

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compounding should not be permitted, since much time has taken of machinery of the courts has been utilized by the parties. He prays for imposition of some costs.

9. In view of discussion upon it, applications stands allowed at the cost of Rs.5000/- each to be paid to the Library of the Office of the Government Pleader and are disposed off in above terms. Offences with which both the appellants are convicted stands compounded.

10. Both appeals are also disposed off.

[KISHORE C. SANT, J.]

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