

(2005) 04 OHC CK 0034
In the Orissa High Court
Case No : CRLREV No. 305 of 2001

Bijaya Kumar Pradhan

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 12-04-2005

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 323, 326, 34

Citation : (2005) 1 OLR 693

Hon'ble Judges : R.N. Biswal, J

Bench : Single Bench

Advocate : D.P. Dhal, D.K. Pattanayak, P. Kumar, R.N. Panda, P.K. Routray and S.K. Tripathy, for the Appellant; Addl. Standing Counsel and G.B. Jena, (for injured), for the Respondent

Judgement

R.N. Biswal, J.—The petitioner faced trial for the offence u/s 307 I.P.C. and the other two co-accused persons for the offence u/s 323/34 I.P.C., jointly in S.T. case No. 31 of 1997, before the Court of Chief Judicial Magistrate-cum-Asst.Sessions Judge, Angul. The two co-accused got acquitted. The petitioner was found not guilty for the offence u/s 307 I.P.C. and was acquitted thereof. However he was found guilty for the offence u/s 326 I.P.C. and was sentenced thereunder to undergo R.I. for three years and to pay a fine of Rs. 200/-. In appeal the order of conviction and sentence was maintained. So, the petitioner filed the present revision.

During pendency of the revision the injured who was said to have been assaulted by the petitioner and the petitioner himself filed two separate petitions with affidavits stating therein that they are related as cousin brother and on intervention of the village gentry they have already settled their dispute amicably outside the Court and as such prayed to compound the offence or to pass any appropriate orders.

Admittedly the offence u/s 326 I.P.C. is not compoundable in nature. So the prayer for compounding the said offence cannot be allowed. However, taking into

consideration the relationship between the parties and the fact that they have already settled their dispute outside the Court and a sense of cordiality has been restored among them and they are no more interested in the revision the sentence already passed against the petitioner is reduced to the period already undergone.

Accordingly, the revision stands disposed of.