
(2014) 09 AP CK 0188

In the Andhra Pradesh High Court

Case No : Criminal Revision Case No. 1885 of 2014

Darapuneni Raj Kumar

APPELLANT

Vs

State of A.P. and Others

RESPONDENT

Date of Decision : 17-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 320(1), 320(2), 326, 397 —
Penal Code, 1860 (IPC) - Section 324, 325, 326

Citation : (2015) 2 ALT(Cri) 79

Hon'ble Judges : B. Siva Sankara Rao, J.

Bench : Single Bench

Advocate : K. Pallavi, for the Appellant

Final Decision : Disposed off

Judgement

B. Siva Sankara Rao, J.?This revision, under Sections 397 and 401 of Code of Criminal Procedure, 1973 (for short, Cr.P.C.), is filed by the petitioner against the judgment, dated 8-9-2014, in Crl. A. No. 67 of 2013 on the file of IV Additional District and Sessions Judge, Nellore, whereby and whereunder the learned Sessions Judge confirmed the conviction and sentence passed in C.C. 164 of 2009 on the file of Judicial Magistrate of First Class, Udayagiri. Heard the learned counsel for the Petitioner.

2. The revision petitioner is A-1 and the 2nd Respondent is the de facto complainant of the police case, covered by C.C. No. 164 of 2009, registered for the offence punishable under Section 324 of Indian Penal Code, 1860 (for short, IPC) are present. The 1st respondent is the State represented by the Public Prosecutor. The revision petitioner-A-1 is convicted and sentenced to undergo simple imprisonment for one year and to pay fine of Rs. 1,000/- and the same was confirmed by the Appellate Court.

3. The present revision is impugning the same. Further with the revision both parties, i.e., revision petitioner and de facto complainant, appeared to compound

with the application under Section 320(1) Cr.P.C. seeking permission of the Court to compound the offence. Section 324 IPC is not covered to compound under Section 320(1) Cr.P.C. without permission of the Court, by the de facto complainant. Even as per Section 320(2) of Cr.P.C., with permission of Court it is covered for compounding. It is important to note that the offence under Section 325 of IPC grievous hurt is provided for compounding whereas the lesser offence of voluntary causing simple hurt under Section 324 of IPC is not. In the wording no doubt it is mentioned as if Section 325 of IPC instead Section 326 Cr.P.C. having mentioned voluntary causing grievous hurt (Section 326 IPC). Once the voluntary causing grievous hurt, it is mistakenly mentioned for Section 326 IPC as if Section 325 of IPC which is a more serious offence is with permission of the Court provided as compoundable; equally for compounding the lesser offence under Section 324 of IPC. The Apex Court though not referred the same by referring to Section 320 Cr.P.C. read with 324 IPC permitted such compounding vide decision Avinash Shetty v. State of Karnataka (2006) 1 SCC (Cr.) 316. It is suffice there from to hold that Section 324 IPC offence with permission of the Court can be compounded by the victim (injured).

4. Accordingly at the admission stage, from the de facto complainant and the accused come forward for compounding permission is accorded and the offence under Section 324 of IPC is compounded and the sentence passed by the trial court and confirmed by the lower appellate court is set aside and by virtue of the compounding, the revision petitioner is acquitted. Accordingly, the revision is disposed of. Miscellaneous petitions pending, if any, shall stand closed.