
(2021) 04 JH CK 0111

In the Jharkhand High Court

Case No : Criminal Revision No. 585 Of 2013, I.A. No.1987 Of 2021

Kuddus Sk. And Ors

APPELLANT

Vs

State Of Jharkhand And Anr

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379

Citation : (2021) 04 JH CK 0111

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Dharmendra Kumar Maltiyar, Pooja Kumari, Rajesh Kumar Mishra, Nawin Kumar Singh

Final Decision : Disposed Of

Judgement

1. Heard Mr. Dharmendra Kumar Maltiyar, learned counsel appearing on behalf of the petitioner.
2. Heard Ms. Pooja Kumari, learned Amicus Curiae appointed to assist this Court on behalf of the petitioners.
3. Heard Mr. Rajesh Kumar Mishra, learned counsel appearing on behalf of the opposite party no.2.
4. Heard Mr. Nawin Kumar Singh, learned counsel appearing on behalf of the Opposite Party-State.
5. Learned counsel for the petitioners submits that this criminal revision application has been filed against the judgment and order dated 31.05.2013 passed in Criminal Appeal No.22 of 2012 by learned Principal Sessions Judge, Sahibganj whereby the appeal has been dismissed, being devoid of any merit and the judgment of conviction and sentence dated 16.02.2012 passed by the learned Civil Judge, Junior Division - cum - Judicial Magistrate, 1st Class, Rajmahal in P.C.R. Case No.283 of 1997, by which the petitioners were convicted

under sections 379/34 of Indian Penal Code and were sentenced to undergo simple imprisonment for a period of one year with a fine of Rs.1,000/- and in default of payment of fine, they were further directed to suffer simple imprisonment for a period of one month more, was upheld.

6. Learned counsel for the petitioners submits that one interlocutory application being I.A. No.1987 of 2021 has been filed by way of joint compromise petition. He submits that due to intervention of the well-wishers of the village of both the parties, both the parties have compromised the matter out of court.

7. Learned counsel appearing on behalf of the opposite party - State has no serious objection for disposing of the matter and for setting aside the sentence.

8. Learned counsel appearing on behalf of the opposite party no.2, on the other hand, submits that he has no objection if the sentence of the petitioners is set aside as the matter has been compromised out of court.

9. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that there are concurrent findings of facts recorded by the learned courts below regarding conviction of the petitioners under Sections 379/34 of Indian Penal Code and no argument as such has been advanced by the learned counsel appearing on behalf of the petitioners assailing the concurrent findings of facts recorded by the learned courts below. Accordingly, conviction of the petitioners under Sections 379/34 of Indian Penal Code passed by the learned trial court and upheld by the learned appellate court is affirmed.

10. So far I.A. No.1987 of 2021 is concerned, it appears that the parties have settled the matter outside the court and they have filed a joint compromise petition. Accordingly, in view of the compromise entered into between the parties and for the ends of justice and for ensuring peace between the parties, the order of sentence dated 16.02.2012 passed by learned Civil Judge, Junior Division - cum - Judicial Magistrate, 1st Class, Rajmahal in P.C.R. Case No.283 of 1997 against the petitioners and upheld by the learned appellate court in Criminal Appeal No.22 of 2012 is hereby set aside.

11. I.A. No.1987 of 2021 stands disposed of.

12. The conviction of the petitioners is upheld and their sentence is set-aside.

13. The petitioners are discharged from the liability of their bail bonds.

14. Let the lower court records be sent back to the court concerned.

15. Let a copy of this order be communicated to the learned court below through E-mail/FAX.