
(2019) 07 JH CK 0218
In the Jharkhand High Court
Case No : Criminal Revision No. 26 Of 2015

Purushottam Prasad And Ors	Vs	APPELLANT
State Of Jharkhand And Ors		RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 325, 341, 379, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2019) 07 JH CK 0218

Hon'ble Judges : Shree Chandrashekhar, J

Bench : Single Bench

Advocate : Nilesh Kumar, Bishwambhar Shastri

Final Decision : Partly Allowed

Judgement

1. The petitioners are represented through Mr. Nilesh Kumar, the learned counsel.
2. The informant namely, Ashok Prasad is present in the Court. He is represented through Mr. Bishwambhar Shastri, the learned counsel.
3. This criminal revision has been filed challenging the judgment in Criminal Appeal No.120 of 2009 by which conviction of the appellants for the offence under section 341/34, 323/34, 379/34 and 325/34 IPC has been affirmed by the appellate court.
4. Mr. Nilesh Kumar, the learned counsel for the petitioners submits that on a trivial issue a quarrel took place between the petitioners and the informant and it is alleged that the petitioners started assaulting the informant.
5. By an order dated 03.05.2019, the parties were directed to appear before the Mediator at JHALSA, Ranchi.
6. A report from the learned Mediator has been received.
7. It is stated that the mediation has ended successfully and the parties have

amicably settled their dispute amongst themselves.

8. It is a matter of record that the petitioners were not carrying any weapon.

9. In a long line of judgment it has been observed that if the parties have settled their dispute and the allegations in the complaint is not so well-founded and it appears to the Court that further continuance of the criminal proceeding would be detrimental to the peace and harmony, not only the entire criminal proceeding the order of sentence can also be set-aside. In "Manohar Singh vs. State of M.P." (2014) 13 SCC 75, the Supreme Court has held, thus;

"8. In the instance case, the appellant is convicted under Section 498-A IPC and sentenced to undergo six months' imprisonment. He is convicted under Section 4 of the Dowry Act and sentenced to undergo six months' imprisonment. Substantive sentences are to run concurrently. Even though the appellant and Respondent 2 wife have arrived at a compromise, the order of conviction cannot be quashed on that ground because the offences involved are non-compoundable. However, in such a situation if the court feels that the parties have a real desire to bury the hatchet in the interest of peace, it can reduce the sentence of the accused to the sentence already undergone. Section 498-A IPC does not prescribe any minimum punishment. Section 4 of the Dowry Act prescribes minimum punishment of six months but proviso thereto states that the court may, for adequate or special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may be less than six months. Therefore, sentence of the appellant can be reduced to sentence already undergone by him."

10. The learned counsel for the petitioners has handed over a draft of Rs.2 Lac bearing number 654076 dated 17.06.2019 to the informant who is present in the Court.

11. The learned counsel for the O.P. No.2 submits that this criminal revision petition may be disposed of in terms of the compromise between the parties.

12. Accordingly, the order of sentence dated 10.11.2009 passed by the learned Judicial Magistrate, 1st Class, Palamau at Daltonganj in G.R. Case No.627 of 2001, as affirmed by the appellate court in Criminal Appeal No.120 of 2009 of R.I for 2 years with fine of Rs.1,000/- imposed upon each petitioners, is set-aside.

13. The petitioners are discharged of liability of bail-bonds furnished by them pursuant to the order dated 06.05.2015.

14. In the result, Cr. Revision No.26 of 2015 is partly allowed.

15. Let the lower-court records be transmitted to the court concerned, forthwith.