

(2014) 09 MP CK 0066
In the Madhya Pradesh High Court
Case No : Cr. R. No. 465/2011

Ramgopal

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 08-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397, 401
Penal Code, 1860 (IPC) — Section 323, 324, 325, 34

Citation : (2014) 09 MP CK 0066

Hon'ble Judges : M.K. Mudgal, J

Bench : Single Bench

Advocate : Anshu Gupta, Advocate for the Appellant; Ayub Khan, Panel Lawyer, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

M.K. Mudgal, J.—Heard the arguments of both the parties.

2. Petitioners/accused have filed this Criminal Revision u/s 397 read with Section 401 of Cr.P.C. being aggrieved by the judgment dated 26.05.2011 passed by the court of Sessions Judge, Sheopur in Criminal Appeal No. 40/2009 confirming the conviction and sentence and judgment dated 15.07.2009 passed by the court of Judicial Magistrate First Class, Sheopur in Criminal Case No. 988/2008, whereby, the petitioners/accused were convicted under Sections 325/34, 324/34 and 323/34 of IPC and sentenced each of them to undergo one year RI with fine of Rs. 250/-, six months RI with fine of Rs. 150/- and three months RI with fine of Rs. 100/- respectively with default stipulation mentioned in the impugned judgment.

3. Learned counsel for the petitioners submits that the injured Ramswaroop who received a grievous injury, incised wound and simple injury filed a petition for seeking permission (I.A. No. 1167/2014) along with compromise petition (I.A. No. 1168/2014). The aforesaid compromise was verified by Registrar of this Court vide note-sheet dated 14.08.2014.

4. On its perusal, it is evident that the injured Ramswaroop has voluntarily compromised with the petitioners/accused.

5. The petitioners/accused were convicted u/s 325/34, 324/34 & 323/34 of IPC for the injuries caused to the injured Ramswarop and so he is competent to compromise for the aforesaid offences. Therefore, allowing the compromise petition and setting-aside the conviction u/s 325/34, 324/34 and 323/34 for the injuries caused to the injured Ramswarop, the petitioners/accused are acquitted in the aforesaid offences.

6. The petitioners/accused were also convicted for injuries caused to Bheru & Ramdayal who received simple injuries. They did not appear before the court for filing compromise with the petitioners/accused.

7. Learned counsel for the petitioners submits that the petitioners/accused do not challenge the conviction u/s 323/34 of IPC relating to the injuries caused to the injured Bheru and Ramdayal. Counsel further submits that the petitioners/accused prayed only for reducing the sentence as they had been in jail for 12 days and they deposited the fine amount of Rs. 500/-.

8. Learned Panel Lawyer has formally opposed the prayer.

9. On perusal of the record, it is evident that as per the medical report (Exhibit P-4), the injured Ramdayal (P.W. 3) received only one injury. In this regard, Dr. S.N. Udaipuria (P.W. 6) has deposed in para 1 of his statement that a contusion was found on right knee. Though, the injured was referred for x-ray. However, no bony injury was found as the injured himself refuse to get him x-rayed. Similarly, as per medical report (Exhibit P-6), the injured Bheru (P.W. 2) sustained only one injury. As per Dr. S.N. Udaipuria, the said injury was found over occipital region. Though, the injured was referred for x-ray. However, no bony injury was found as the injured himself refuse to get him self x-rayed.

10. Considering the aforesaid evidence, it is concluded that the conviction of petitioners/accused u/s 323 read with 34 of IPC as regards injury caused to Bheru and Ramdayal are hereby confirmed. Both injured are father and son.

11. Considering the nature of the injuries and the submissions made on behalf of the petitioners/accused regarding sentence appears to be convincing, as the petitioners/accused had been in jail for 12 days from 17.09.2008 to 19.09.2008 and 26.05.11 to 05.06.2011. Therefore, the petitioners/accused are sentenced to the period of imprisonment already undergone and to pay fine of Rs. 500/- each which has already been deposited by them in the other offences in which they have been acquitted. The said fine shall be adjusted in the aforesaid fine imposed by this Court. Therefore, no fine is to be deposited by the petitioners/accused.

12. This petition is disposed of accordingly.