
(2013) 03 MP CK 0022

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 1506 of 1999

Shyam Singh and Others

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 19-03-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482

Penal Code, 1860 (IPC) — Section 147, 323

Protection of Civil Rights Act, 1955 — Section 3

Citation : (2013) 03 MP CK 0022

Hon'ble Judges : N.K. Gupta, J

Bench : Single Bench

Advocate : Ashok Chakrawarty, for the Appellant; G.S. Thakur, Panel Lawyer, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Gupta, J.—The applicants were convicted for the offence punishable u/s 147 of IPC and section 3 of Protection of Civil Rights Act (hereinafter it will be referred to as "The PCR Act") vide judgment dated 19.3.1997 passed by the learned JMFC, Raisen (Shri N.P. Singh) in criminal case No. 186/1996 and imposed a fine of Rs. 100/- and one month's simple imprisonment for the aforesaid offences respectively upon each of the applicants. In criminal appeal No. 37/1997, the learned First Additional Sessions Judge, Raisen vide judgment dated 27.8.1999 partly accepted the appeal and the applicants were acquitted from the charge of offence punishable u/s 3 of the PCR Act but, conviction and sentence for the offence punishable u/s 147 of IPC was maintained. Being aggrieved with the judgments passed by both the Courts below, the applicants have preferred the present revision. The prosecution's case, in short, is that, on 31.10.1989, one Ram Singh went to offer some Parsad at the place Hiranman Devta, situated at village Billori (Police Station Sanchi, District Raisen). So many persons were offering Parsad at that place. Thereafter, the applicants shouted upon the complainant Sukhram and his nephew Ram Singh as to why their

Parsad was mixed with the Parsad of the applicants because the victims were of caste of washerman. Thereafter, the applicants assaulted the victims. An FIR was lodged and after due investigation, a charge-sheet was filed before the trial Court. In the trial, a compromise took place between the parties and therefore, the applicants were acquitted from the offence punishable u/s 323 of IPC due to compromise.

2. The applicants abjured his guilt. They did not take any specific plea and no defence evidence was adduced.

3. The learned JMFC, Raisen, after considering the prosecution's evidence, convicted the applicants for the offence punishable u/s 147 of IPC and section 3 of PCR Act and sentenced them as mentioned above. In criminal appeal, the learned First Additional Sessions Judge maintained the conviction and sentence directed for offence punishable u/s 147 of IPC but, the applicants were acquitted from the charge of offence punishable u/s 3 of the PCR Act.

4. I have heard the learned counsel for the parties.

5. The learned counsel for the applicants has raised a contention that since the main offence of section 323 of IPC was compounded, therefore, the applicants would have been acquitted from all other charges and such charge-sheet should have been quashed.

6. It is apparent from the provisions of section 320 of the Cr.P.C. that offence punishable u/s 147 of IPC is not compoundable. If Hon'ble the Apex Court has quashed the trial in such cases then, that was the exclusive jurisdiction of Hon'ble the Apex Court. There is no such power available either to the Magistrate or to the Sessions Court. No power u/s 482 of the Cr.P.C. is also available before the Sessions Court or the Magisterial Court and therefore, they could not drop the proceedings, where the charge u/s 147 of IPC is proved against the applicants.

7. At present, the matter is of revision and there is minimum scope in the revision and therefore, the High Court cannot use its power u/s 482 of the Cr.P.C. The applicants are only imposed with a fine of Rs. 100/- for offence punishable u/s 147 of IPC. Under such circumstances, there is no illegality or perversity visible in the judgments passed by both the Courts below. There is no basis by which any interference can be done in the judgments passed by both the Courts below.

8. Under such circumstances, the revision filed by the applicants cannot be accepted and therefore, it is hereby dismissed. A copy of the order be sent to the trial Court as well as to the appellate Court along with their records for information.