
(2009) 11 SC CK 0043

In the Supreme Court Of India

Case No : Criminal Appeal No's. 2265-2266 of 2009 (Arising out of S.L.P. (Criminal) No's. 7144-7145 of 2009)

Suresh and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 30-11-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 324

Citation : (2009) 11 SC CK 0043

Hon'ble Judges : Dalveer Bhandari, J;A. K. Patnaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.

2. These appeals are directed against the judgment of the High Court of Judicature at Bombay, Bench at Nagpur, in Criminal Revision Application No. 178 of 2003 and Criminal Application No. 481 of 2009 in Criminal Revision Application No. 178 of 2003. The appellants were convicted by the Trial Court u/s 324 of the Indian Penal Code and were sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 250/-; in default, to undergo rigorous imprisonment for a further period of one month. The High Court upheld the conviction of the appellants.

3. The complainant has filed an affidavit before this Court in which it is mentioned that the parties have amicably settled the matter with the help of elderly people of the village and has no grievance against the appellants. It has been further stated in the affidavit that, in view of the cordial relationship between the parties, the appellants be released, as the complainant does not wish to prosecute the appeals against them.

4. We have heard learned Counsel for the parties.

5. The appellants have already served out more than seven months of actual

imprisonment. On consideration of totality of the facts and circumstances of the case, we deem it appropriate to release the appellants in view of the compounding of offence and they are convicted only for the period of imprisonment already undergone by them. We order accordingly and direct that the appellants be released forthwith if not required in any other case.

6. In view of the above, the criminal appeals are, accordingly, disposed of.