
(2023) 07 UK CK 0180

In the Uttarakhand High Court

Case No : Criminal Revision No. 499 Of 2023

Sushil Kumar

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 27-07-2023

Acts Referred:

Indian Penal Code, 1860 — Section 406

Citation : (2023) 07 UK CK 0180

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Milind Raj, S.R.S. Gill, Manisha Rana Singh, Kundan Singh

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. Revisionist – accused Sushil Kumar was convicted and sentenced to undergo rigorous imprisonment for a period of three years along with a fine of Rs. 7,000/- for the offence punishable under Section 406 of the Indian Penal Code, 1860 (for short, "IPC"). Against the said judgment dated 10.04.2019, passed by learned Judicial Magistrate, Srinagar, District Pauri Garhwal, an Appeal (Criminal Appeal No.41 of 2019) was filed. The said Appeal has been dismissed vide judgment dated 12.07.2023, passed by learned Sessions Judge, Pauri Garhwal.

2. Heard Mr. Milind Raj and Mr. S.R.S. Gill, learned counsel for the revisionist, Mrs. Manisha Rana Singh, learned AGA for the State and Mr. Kundan Singh, learned counsel for the respondent no.2 – informant/victim.

3. Admit.

4. Respondent no.2 – Gurendra Singh Rawat, informant/ victim is present before this Court through video conferencing. He is identified by Mr. Kundan Singh, Advocate.

5. Revisionist – accused Sushil Kumar is present in-person before this Court and

he is identified by Mr. Milind Raj, Advocate.

6. Respondent no.2 and the revisionist have submitted that there were private disputes between them. They have resolved their disputes and after resolving their disputes they have filed a joint Compounding Application (IA No.01 of 2023) along with affidavits with their free will and without any pressure.

7. Mr. Milind Raj, Advocate, submitted that other victims had given statements before the Trial Court that they did not want to proceed against the revisionist, as they had received their entire EPF amount.

8. As per the prosecution case, informants/ victims were engaged as security staff in Hemvati Nandan Bahuguna University under a contract. Revisionist – accused Sushil Kumar was the proprietor/ contractor of M/s Detective Security Service Agency, Kota, Rajasthan. He deducted their EPF amount from August, 2010 to May, 2011, but was not paid to them.

9. Learned counsel for the State has submitted that there were private disputes between the parties and they have resolved their disputes. Therefore, the State has no objection to decide the present revision on the basis of the compromise.

10. Respondent no.2 has also requested to decide the present matter on the basis of compounding the offence.

11. Accordingly, the present Revision is allowed. Impugned judgment dated 10.04.2019, by which, the revisionist was convicted and sentenced under Section 406 IPC, and, the impugned judgment dated 12.07.2023, passed by learned Appellate Court, are set aside. The revisionist – accused Sushil Kumar is acquitted of the charge under Section 406 IPC in view of the composition of the offence by the victim against the revisionist.