

**(2011) 07 PAT CK 0141**

**In the Patna High Court**

**Case No :** Criminal Appeal (SJ) No. 260 of 1996

Sushil Pandey and Damodar Pandey

APPELLANT

Vs

The State of Bihar

RESPONDENT

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**Date of Decision :** 01-07-2011

**Acts Referred:**

**Citation :** (2011) 07 PAT CK 0141

**Final Decision :** Allowed

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## **Judgement**

Gopal Prasad, J.—The Appellant No. 1 has been convicted for the offence u/s 307 of the Indian Penal Code and sentenced to undergo simple imprisonment for three years and Appellant No. 2. has been convicted for the offence u/s 307/34 of the Indian Penal Code and sentenced to undergo simple imprisonment for one year.

2. Learned Counsel for the Appellants submits that there is a case and counter case and there was compromise between the parties in the lower court itself and even the informant has supported the compromise but the learned lower court on technical reason did not give effect to the compromise. Learned Counsel for the Appellants further submits that even the offence u/s 307 of the Indian Penal Code is compoundable and relied upon a decision reported in decision AIR 1988 2111 (SC)

3. In view of the facts and circumstances that the parties have compromised and they are residents of the same village and the occurrence is of the year 1984, a lenient view should be taken with regard to compounding. In the special facts and circumstances of this case as well as the fact that Appellant No. 2 is a lawyer in Chapra Civil Court and since the counter case has ended in compromise, hence under the facts and circumstances the permission is granted to compound the offence and the offence is compounded and hence the order of conviction and sentence is set aside and the appeal is allowed.