

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 367 OF 2013
(SPECIAL LEAVE PETITION(CRL.)NO.1214 OF 2013)

PADMALAYAN & ANR.

APPELLANTS

VERSUS

SARASAN & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in Criminal Revision Petition No.1831 of 2004, dated 11.10.2012. By the impugned judgment and order, the High Court has confirmed the orders passed by the learned Sessions Judge in Criminal Appeal No.12 of 2011, dated 11.3.2004.
3. On a private complaint filed by the respondents herein for offences under Sections 141, 142, 143, 148, 149, 307, 324, 37 and 34 of the Indian Penal Code, 1860 ('the IPC' for short), the learned Magistrate had convicted the appellants herein and had sentenced them to undergo simple imprisonment for a period of two years alongwith fine under Section 324 of the IPC. Being aggrieved by the said order, the accused persons had approached the learned Sessions Judge. The learned Judge, while confirming the conviction of the accused, has modified the sentence to one year simple imprisonment and for payment of Rs.10,000/- as fine on each of the appellants, and, in default, to undergo further simple

imprisonment of six months. Aggrieved by the said order, the accused persons had filed a Criminal Revision Petition before the High Court. The High Court, after hearing the parties to the *lis*, has dismissed the Petition filed by the accused persons. That is how the accused persons are before us in this appeal.

4. The learned counsel, at the time of hearing of the appeal, would submit that the parties to the *lis* have compounded the offence under Section 320 of the Code of Criminal Procedure, 1973 ('the Code' for short). To this effect, an appropriate affidavit has also been filed before this Court.

5. The learned counsel appearing for the respondents submits that he has no objection if the accused persons are permitted to compound the offence under Section 320 of the Code.

6. In view of the understanding between the parties, we permit the accused persons to compound the offences as provided under Section 320 of the Code. Accordingly, we set aside the impugned order and acquit the appellants of the charges alleged against them.

7. For wasting the time of the Courts below and this Court, we impose a cost of Rs.15,000/- each on the accused person/(s) for being deposited in the Supreme Court Employees' Mutual Welfare Fund within four weeks' time from today. If such deposit is not

made within the time granted, the appeal stands dismissed, without further reference to the Court.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(RANJAN GOGOI)

NEW DELHI;
FEBRUARY 25, 2013



JUDGMENT