

Arjun Baretha Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-23-2013

Appellant : Arjun Baretha

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Dinesh Upadhyaya

Judgement :

1 M.Cr.C No.15228/2012 23/1/2013 Shri Dinesh Upadhyaya, counsel for the petitioners. Shri Vinod Fouzdar, learned Panel Lawyer for the respondent / State.

This petition has been preferred under Section 482 of Cr.P.C for setting aside the order dated 11.9.2012 passed by the learned Additional Sessions Judge, Tikamgarh in Criminal Appeal No.500/2011, declining the compromise petition of the parties, for incident occurred on 27.7.2010 between the petitioners and injured person Yasvant vide Annexure A/5 JMFC, Tikamgarh convicted the petitioners under Section 327 of IPC sentenced them six months RI with fine of Rs.1000/- each.

Aforesaid judgment is challenged in the appeal by the petitioners. In Courts below petitioners and the injured person submitted written compromise petition, duly signed by the parties, but it was declined on the ground that offence is not compoundable, even with the permission of the Court.

Under inherent power, this Court is supposed 2 M.Cr.C No.15228/2012 to pass any order against the spirit of the provision of the Act.

Hence, apparently no direction can be issued, to accept the compromise or to make compromise petition as basis of acquittal of the petitioners. However, in the interest of justice, fact of compromise between the parties can very well be considered for awarding lesser sentence in the matter.

In the interest of justice and in the fitness of the thing the appellate Court is directed to consider the matter on merits, if it reaches to the conclusion of awarding of the sentence then on the basis of aforesaid compromise petition, a lenient view should be adopted by the appellate Court.

With the aforesaid observation and direction, this, petition is disposed of.

Cc as per rules.

(Tarun Kumar Kaushal) JUDGE dcs/-

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