

Moinuddin and Ors vs the State Through

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Court : Karnataka Kalaburagi

Decided On : Jul-02-2025

Judge : V Srishananda

Appeal No. : CRL.RP/200079/2018

Appellant : Moinuddin and Ors

Respondent : The State Through

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 2ND DAY OF JULY, 2025 BEFORE THE HON'BLE MR. JUSTICE V SRISHANANDA CRIMINAL REVISION PETITION NO.200079 OF 2018 (397(Cr.PC)/438(BNSS)) BETWEEN:

1. MOINUDDIN S/O LADLESAB, AGE: 38 YEARS, OCC: PETTY BUSINESS,
2. MD. SHABBIR S/O NABISAB, AGE:22 YEARS, OCC: COOLIE,
3. MD. VASEEM RAJA S/O HUSEN @ HASANSAB, AGE: 30 YEARS, OCC: COOLIE,
4. ABDUL SALEEM S/O ABDUL RAHEMAN,

AGE: 21 YEARS, OCC: COOLIE, Digitally signed by RENUKA 5. MD. AZIM S/O MOINUDDIN MOMIN, Location: HIGH COURT OF AGE: 22 YEARS, OCC: STUDENT, KARNATAKA ALL R/O KAMALAPUR, TQ. KAMALAPUR, DIST.KALABURAGI-585313. PETITIONERS (BY SRI AKBER HUSSAIN, ADVOCATE AND SRI PRADEEP KUMAR, ADVOCATE) AND: THE STATE THROUGH, KAMALAPUR POLICE STATION, -2-

DIST. KALABURAGI, NOW REPRESENTED BY, SPECIAL PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, KALABURAGI BENCH-585103. RESPONDENT (BY SRI JAMADAR SHAHABUDDIN, HCGP) THIS CRL.RP. IS FILED U/S 397 R/W 401 OF CR.P.C. PRAYING TO, ALLOW THIS PETITION BY SETTING ASIDE THE

JUDGMENT AND ORDER DATED 13.11.2018 PASSED IN

CRL.APPEAL NO.38/2016, PASSED BY THE LEARNED III ADDL. DISTRICT AND SESSIONS JUDGE, KALABURAGI AND IN C.C.NO.3443/2012, DATED 08.03.2016 PASSED BY LEARNED I ADDL. CIVIL JUDGE AND J.M.F.C., KALABURAGI, FOR THE OFFENCES PUNISHABLE U/SEC. 143, 147, 323, 324, & 325 R/W 149 OF IPC, OF KAMALAPUR POLICE STATION. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V SRISHANANDA) The complainant and revision petitioners are present before the Court. -3-

2. An application under Section 320(2) of Cr.P.C. along with joint memo are filed for compounding the offence.

3. On enquiry with the complainant, who is

present before the Court, submits that at the intervention of the family members and well-wishers, the accused persons have agreed to retrace their steps and lead their happy life for the rest of their life without harming the complainant or their family members.

4. Though the offence alleged against the petitioners is non-bailable but compoundable with the permission of the Court.

5. As such, application filed under Section 320 (2)

of Cr.P.C. read with Section 482 of Cr.P.C. is allowed by exercising the power under Section 482 of Cr.P.C. in the light of the principles of law enunciated in the judgment of the Honble Apex Court in the case of Ram Gopal & -4- Another Vs. State of Madhya Pradesh reported in

(2022) 14 SCC 531 as the lis is privy to the parties and has no serious social impact.

6. Consequently, the following:

ORDER

(a) The Criminal Revision Petition is allowed.

(b) The order of conviction and sentence dated

08.03.2016, passed by the I Additional Civil Judge and JMFC, Kalaburagi in C.C.No.3443/2012 and confirmed by the III Additional District and Sessions Judge, Kalaburagi in Criminal Appeal No.38/2016 vide

judgment dated 13.11.2018 is set aside.

(c) Bail bonds, if any, stand discharged. Sd/- (V SRISHANANDA) JUDGE RSP List No.: 1 Sl No.: 17 CT:PK

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