

Madhu Devi Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Jan-27-2015

Appellant : Madhu Devi

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Rev. No.630 of 2012
With I.A. No.3268 of 2014 Madhu Devi W/o Ashok Das, R/o Jai Prakash Nagar,
Shashtri Nagar, Block - 5, Gawala Basti, P.O. & P.S. - Kadma, Jamshedpur,
District - Singhbhum (East). . Petitioner Versus The State of Jharkhand
Opposite Party ----- CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA
----- For the Petitioner : Mr. Sanjeev Kr. Singh, Advocate For the State : A.P.P.
For the Informant : Mr. Kamdeo Prasad , Advocate ----- th 03/Dated:

27. January, 2015 This Criminal Revision Application has been preferred against the judgment and order of conviction dated 20.04.2012 passed by the learned Additional Sessions Judge - III, East Singhbhum Jamshedpur in Cr. Appeal No.305 of 2009, whereby the learned Additional Sessions Judge while confirming the conviction has modified the sentences by sentencing her to undergo S.I for a period of six months under Sections 323 and 34 of the I.P.C, S.I for 15 days under Sections 341 & 34 of the IPC, further sentenced to undergo SI for a period of six months for the offence under Section 506 of the IPC, R.I for six months for the offence under Sections 456 & 34 of the IPC and a fine of Rs.1000/- and in default of fine to undergo S.I for one month, preferred against the order dated 24.11.2009

passed by the learned Judicial Magistrate, 1st Class, Jamshedpur in G.R. Case No.1210 of 2007..

2. Brief facts of the prosecution's case is that the informant, Arun Kumar Singh filed a written report with the Officer-in- Charge, Kadma Police Station stating therein that the petitioner namely, Madhu Devi and other co-accused persons demanded Rs.25,000/- as rangadari from him as the informant had bought and bounded a big piece of land for which he had to pay money to the petitioner and other co-accused. That on 24.05.2007 in the night at about 01:00 to 02:00 A.M, when the informant was sleeping, he heard the sound of breaking open of the door of his house. That the petitioner and other co-accused persons started assaulting the informant and started demanding Rs.25,000/- or else they would kill him. Thereafter, the petitioner and other - 02 - co-accused persons locked the door of the room and pelted stones on the house of the informant. That in the meantime, police patrolling party, who were passing through the road, saved the informant. The F.I.R was lodged and the police submitted charge- sheet against the petitioner and other co-accused persons under Sections 323, 341, 456, 506 and 34 of the Indian Penal Code, thereafter the case was transferred to the Court of Judicial Magistrate 1st Class, East Singhbhum Jamshedpur for trial and disposal.

3. The Judicial Magistrate 1st Class, East Singhbhum Jamshedpur, on the basis of the evidence and material available on record, found the petitioner and other accused persons guilty and sentenced her to undergo R.I. for six months for the offences under Sections 323 & 34 of the IPC, further sentenced to undergo S.I for one month for the offences under Sections 341 & 34 of the IPC, R.I for one year for the offences under Sections 506 & 34 of the IPC and R.I for two years for the offences under Sections 456 & 34 of the IPC and to pay fine of Rs.1,000/- for the offences under Sections 456 & 34 of the IPC and in default of fine to undergo imprisonment for one month. Against the said judgment, appeal was preferred to the Additional Sessions Judge - III, East Singhbhum Jamshedpur who upheld the conviction for the aforesaid charges with modification of the sentence by the order impugned in the revision.

4. Learned counsel for the petitioner has submitted that the petitioner and the informant have compromised the case and they have filed a compromise petition being I.A No.3268/2014, as they have amicably settled their dispute out side the court on the intervention of well wishers. That both the parties are not willing to proceed with the case further. It is urged that order dated 20.04.2012, passed by the Additional Sessions Judge - III, East Singhbhum Jamshedpur in Cr. Appeal No.305 of 2009 as well as the order dated 24.11.2009 passed by the learned Judicial Magistrate, 1st Class, Jamshedpur in G.R Case No.1210 of 2007 may be quashed in view of the fact that the parties have on their free will compromised the case and the informant/ Arun Kumar Singh now has no grievances against the petitioner.

5. Learned counsel for the informant has not controverted the submissions and stated that the informant has amicably settled the dispute with the petitioner and does not want to - 03 - proceed with the case; that an affidavit has also been filed by informant agreeing to and accepting the compromise and amicable settlement of the matter.

6. Having heard learned counsels for the parties and in view of the fact that the parties have compromised the case and the offences under Sections 323, 341 and 506 are compoundable accordingly the compromise is accepted with respect to the aforesaid charges. The offence under Section 456 of the IPC is non-compoundable however considering the fact that sweet relations have been restored between the parties, this court deems it just and proper to take a liberal view in the given facts and circumstances of the case since the parties have amicably settled the matter and sweet relationship has been restored. Thus in the interest of the parties and for the ends of justice, the compromise is accepted and the sentence for conviction under Section 456 I.P.C is modified to the period already undergone by the petitioner. Consequently the petitioner is acquitted of the charges under Sections 323, 341 and 506 of the Indian Penal Code and she is sentenced to to the period already undergone by her under Section 456 of the I.P.C7 Accordingly, the judgment and order dated 20.04.2002 passed by the Additional Sessions Judge - III, East Singhbhum and the order dated 24.11.2009 passed by the Judicial Magistrate, 1st Class, Jamshedpur in G.R. No.1210 of 2007

with respect to conviction of the petitioner under Sections 321, 341 and 506 of the IPC is hereby set aside however the sentence under Section 456 I.P.C is modified and the petitioner is sentenced to the period of custody already undergone. The petitioner is on bail and she is discharged of the liability of her bail bonds.

8. The Cr. Revision application and Interlocutory Application Nos. 3268 of 2014 are, hereby, disposed of as allowed in part. (AMITAV K. GUPTA, J.) Chandan/-

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