

Bhim Singh and Others

Vs

The State of U. P.

Criminal Appeal No. 65 of 1973

(H. R. Khanna, A. Alagiriswami JJ)

23.07.1973

JUDGMENT

KHANNA, J. -

1. Ram Singh, Bhim Singh and Krishna Murari were tried in the court of Civil and Sessions Judge Kanpur. Bhim Singh was convicted under Section 398 Indian Penal Code and was sentenced to undergo rigorous imprisonment for a period of seven years while the other two appellants were convicted under Section 394, Indian Penal Code and each of them was sentenced to undergo rigorous imprisonment for a period of three years. ON appeal the Allahabad High Court altered the conviction of Bhim Singh to that under Section 324, Indian Penal Code and sentenced him to undergo rigorous imprisonment for a period of 18 months. The conviction of Ram Singh and Krishna Murari was altered to that under Section 324 read with Section 34, Indian Penal Code and each of them was sentenced to undergo rigorous imprisonment for a period of one year. It was held by the High Court that on September 8, 1967 Bhim Singh appellant at the instigation of the two other appellants has caused hurt to Ram Sarup on the road behind Jaipuria House in Kanpur. The appellants thereafter came up in appeal to this Court by special leave.

2. An application was also filed on behalf of the appellants that they had compounded the offence with Ram Sarup injured person. An affidavit of Ram Sarup was also filed and in that affidavit Ram Sarup stated that he had amicably settled the matter with the appellants of his own free will and without any extraneous pressure.

3. The offence under Section 324, Indian Penal Code is compoundable with the permission of the Court. As it is stated that the parties have amicably settled matters, it would, in our opinion, be in the fitness of things if permission to compound the offence is granted. We accordingly grant the necessary permission, set aside the conviction of the appellants and acquit them.

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