

SUREME COURT OF INDIA

Y. Suresh Babu

Vs.

State of A.P.

(A Sen, B Ray JJ.)

29.04.1987

ORDER

A.P. SEN, J.

1. Special leave granted. Learned Counsel for the parties heard on the application made under Section 320 of the CrPC, 1973 for leave to compound the offence. The appellant has been convicted under Section 326 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for a period of one year. Although the offence under Section 326 of the Code is non-compoundable, learned Counsel for the parties submit that through the intervention of well-wishers the parties who are from the same locality have reconciled their differences to preserve amity and good relations. They pray for leave to compound the offence. The appellant stabbed D. Narsinga Rao, respondent No. 2 herein after an altercation near the pan shop owned by him. This was an unfortunate incident and the learned Counsel for the appellant submits that his client has a feeling of remorse. Learned Counsel appearing for respondent No. 2 also joins in the prayer for permission to compound the offence.

2. Taking an overall view of the facts and circumstances, we grant leave as a special case to the parties to compound the offence on condition that the appellant pays Rs. 10,000/- to respondent No. 2 by way of compensation for the physical injury suffered by him. The amount of compensation shall be deposited in the Court of IInd Additional Metropolitan Sessions Judge, Hyderabad within one month from today. If the amount is not deposited within the period allowed, the conviction and sentence recorded by the Courts below against the appellant under Section 326 of the Code shall stand. However, if the amount is deposited within the time allowed, the conviction and sentence of the appellant under Section 326 of the Indian Penal Code shall be set aside. Respondent No. 2 shall be at liberty to withdraw the said amount unconditionally. The appellant shall in the meanwhile be enlarged on bail by the learned IInd Additional Metropolitan Sessions Judge on such terms as he thinks fit. This case shall not be treated as a precedent.

3. The appeal is disposed of accordingly.