

Mahesh Chand and Another

Vs

State of Rajasthan

Special Leave Petition (Criminal) No. 1480 of 1897

(B.C. Ray, K. Jagannatha Shetty JJ)

14.03.1988

ORDER

1. In this special leave petition challenging the validity of the conviction under Section 307 IPC, the parties want to have the offence compounded. They have come to terms. They want this court to permit them to compound the offence.

2. The accused were acquitted by the trial court, but they were convicted by the High Court for the offence under Section 307 IPC. This offence is not compoundable under law. The parties, however, want to treat it as a special case, in view of the peculiar circumstances of the case. It is said and indeed not disputed that one of the accused is a lawyer practicing in the lower court. There was a counter case arising out of the same transaction. It is said that the case has already been compromised.

The decision of this Court in Suresh Babu v. State of Andhra Pradesh, had been also referred to in support of the plea for permission to compound the offence.

3. We gave our anxious consideration to the case and also the plea put forward for seeking permission to compound the offence. After examining the nature of the case and the circumstances under which the offence was committed, it may be proper that the trial court shall permit them to compound the offence.

4. We therefore, direct the trial Judge to accord permission to compound the offence, after giving an opportunity to the parties and after being satisfied with the compromise agreed upon. The connected papers filed in this connection before this Court be transmitted to the trial court for the purpose. The parties, if they want, may file additional documents.

5. In the meantime the petitioners be released on bail to the satisfaction of the trial Judge (Additional Sessions Judge, Baran).

6. Special leave petition is accordingly disposed of.

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