

SUPREME COURT OF INDIA

Ramphal

Vs.

State of M.P.

13.01.2000

(G.P. Pattanaik and U.C. Banerjee JJ.)

ORDER

G.B. PATTANAİK, J.

1. Leave granted.

2. The appellants were convicted under Section 304 Part II read with Sections 149, 325 read with (sic Sections) 149 and 323 read with (sic Section) 149 by the learned Trial Judge and sentenced to imprisonment for 3 years. The High Court in appeal set aside the said conviction under Section 304 Part II read with Section 149, and while confirming the conviction under Section 325/149, 323/149 and under Section 147 of the I.P.C. reduced the sentence to 2 years. Before the original court, nor the High Court, any application for compounding had been filed. But in this case an application for compounding has been filed and it has been brought to our notice that in the counter case, on an application for compounding having been filed, the Court has already granted permission and the matter has been compounded. The complainant/informant has endorsed in the application for compounding and the counsel appearing for them also states that the matter has been amicably settled. Taking into account the fact that the occurrence is of the year 1987 and the parties have compounded the matter amongst themselves, we think, in the interest of justice, to accord permission of such compounding. We, accordingly set aside the conviction and sentence and dispose of this appeal on the basis of compromise. The accused appellants are in custody. They may be released forthwith, unless required in any other case.