

SUPREME COURT OF INDIA

Jalaluddin

Vs.

State of U.P.

(S.M. Ahmed and Doraiswamy Raju JJ.)

07.04.2000

ORDER

1. Delay condoned.

2. Leave granted.

3. The appellant was armed with a 'chhura' (knife) with which he gave a blow on Tengari, the father of the complainant, as a result of which his nose-bone was fractured. The appellant was convicted for the offence under Section 326, I.P.C. and his conviction has been maintained throughout. He has been sentenced to undergo 18 months rigorous imprisonment.

4. Before us an application for compounding of offence under Section 320, Cr. P.C. has been filed in which it has been stated that the complainant and the appellant are close relations and have compromised the dispute outside the Court. It is prayed that the offence may be permitted to be compounded. The offence under Section 326, I.P.C. is not compoundable and it cannot be compounded. The application for compounding is, therefore, rejected.

5. However, having regard to the facts of this case that the occurrence had taken place on 24-12-1979 on a trivial issue and that complainant and the accused are close relations who are now living amicably. We reduce the sentence of the appellant to the period already undergone. The appeal is disposed of accordingly. The appellant shall be set at liberty forthwith if not required in any other case.