

SUPREME COURT OF INDIA

Sunderlal

Vs.

State of M.P.

(K.T. Thomas and R.P. Sethi JJ.)

22.09.2000

ORDER

1. Leave granted.

2. The appellant was the 2nd accused in a case. He was convicted along with 1st accused for the offence under Section 307 read with Section 34 and appellant was further convicted under Section 323 of the Indian Penal Code. The conviction with the help of Section 34 cannot be upheld by us because he did not know that the 1st accused would be inflicting an injury on the victim with the intention of murdering him. At the most appellant can be convicted for the act done by him and that cannot be escalated beyond Section 323 of the I.P.C.

3. The victim of the assault made by the appellant is now before us (he is identified by Mr. K.N. Tripathi, Adv. and the victim has also produced the identity card issued by the Election Commission to satisfy us that the person present in the Court is the same). The victim and the appellant have come to terms and they filed an application for compounding the offence. We allow the application for compounding the offence. Accordingly, the appellant is acquitted of the offence under Section 323 I.P.C.

4. This appeal is disposed of accordingly.