

SUPREME COURT OF INDIA

Dharamvir & Anr

Vs.

State of U.P

Crl.A.No.138 of 2008

(C.K. Thakker and D.K. Jain,JJ)

18.01.2008

ORDER

Arising out of S.L.P.(Criminal) No.1950 of 2007

1. Leave granted.

2. The learned counsel for the parties stated that the matter has been settled amicably and an appropriate order of acquittal may be passed considering the provisions of Sections 342 and 323 of the Indian Penal Code (IPC) and the provisions of sub-sections (1) and (8) of Section 320 of the Code of Criminal Procedure, 1973 (for short hereinafter referred to as the 'Code'). Sub-section (1) of Section 320 of the Code states that the offence specified under in the Table under the said sub-section are compoundable by the parties (without the leave of the Court). Both the offences punishable under Sections 342 and 323, IPC are shown in Table under sub-section (1) of Section 320 of the Code. Since the appellants have been convicted for those offences, i.e. offences punishable under Sections 342 and 323 IPC and both the offences are compoundable, consequential order acquitting the appellants can be passed under sub-section (8) of Section 320 of the Code. We, accordingly, acquit the appellants for the offences with which they were charged and convicted by the Courts below.

The appeal is, accordingly, allowed.