

SUPREME COURT OF INDIA

Sathiyamoorthy

Vs.

State Represented by the Inspector of Police, Madurai

CrI.A.No.1169 of 2014

(Ranjana Prakash Desai and N.V. Ramana JJ.)

21.07.2014

JUDGMENT

(SMT.) RANJANA PRAKASH DESAI, J.

1. The appellants who are original Accused Nos. 1 to 6 respectively were tried in the court of Additional District and Sessions Judge, Madurai in Sessions Case No.444 of 2005 for various offences under the Indian Penal Code (for short, ~the IPC) on the allegation that on 11/11/2004 at about 8.00 p.m. when complainant Ayyanar and his son Murugesan were standing at a common place all the accused came there and formed an unlawful assembly with deadly weapons. Accused No. 2 unlawfully restrained Murugesan. Accused No. 1 attacked complainant-Ayyanar with an iron rod. He also attacked Murugesan with an aruval. Complainant Ayyanar lodged the FIR.

2. After completion of investigation, the accused were sent up for trial. At the trial the prosecution examined 16 witnesses. The accused denied the prosecution case. Learned Additional District and Sessions Judge found Accused Nos. 1 to 6 guilty under Section 148 of the IPC. He sentenced each of them to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- each, in default, to undergo two months rigorous imprisonment. Accused No. 1 was found guilty under Section 325 of the IPC and was sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months. Accused No. 2 was found guilty under Section 341 of the IPC and was sentenced to undergo

three months rigorous imprisonment and to pay a fine of Rs.200/-, in default, to undergo four weeks rigorous imprisonment. Accused No. 2 was also found guilty under Section 325 read with Section 149 of the IPC and was sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for six months. Accused Nos. 3 to 6 were found guilty under Section 325 read with Section 149 of the IPC. Each of them was sentenced to rigorous imprisonment for three years and to pay a fine of Rs.1,000/- each, in default, to undergo rigorous imprisonment for six months. Substantive sentences were to run concurrently.

3. Being aggrieved by the said conviction and sentence the appellants- accused preferred an appeal to the High Court. By the impugned order the High Court partly allowed the appeal. The order of conviction passed by the trial court was confirmed. However, the sentence imposed under Section 325 of the IPC on Accused No. 1, sentence imposed under Section 325 read with Section 149 of the IPC on Accused No. 2 and sentence imposed under Section 325 read with Section 149 of the IPC on Accused Nos. 3 to 6 was reduced to two years rigorous imprisonment instead of three years rigorous imprisonment. Rest of the order of the trial court was confirmed. Being aggrieved by the judgment and order, the appellants-accused have filed the present appeal.

4. During the pendency of the appeal on 25/04/2014 victim-Murugesan remained present in this Court. He had filed an application for impleadment which was granted. He stated that he would like to compound the offences. That statement was recorded and the matter was adjourned to consider the prayer. An application has been filed by the appellants praying that offences may be permitted to be compounded. It is stated in the application that victim Murugesan and the accused are cousins and they have decided to settle the disputes amicably. It is further stated that pursuant to this decision the accused have paid a reasonable amount to victim Murugesan as per the decision of family elders and they have entered into an amicable settlement in their village much before the accused surrendered as per the orders of this Court. A copy of the statement of victim Murugesan dated 30/9/2012 stating that he has entered into a compromise with the accused is annexed to the application.

5. We have heard learned counsel for the appellants-accused, Mr. Luthra, learned Additional Solicitor General (AC) and learned counsel for the State of Tamil Nadu.

They confirmed that parties have entered into a compromise. They submitted that in view of the settlement, this Court may compound the offences as that will accord a quietus to all disputes between the parties. Counsel submitted that the accused and the complainant are cousins. After the compromise they have been staying peacefully in the village. It is in the interest of both sides to bury the hatchet and lead a peaceful life.

6. Offences under Sections 341 and 325 are compoundable. In view of the settlement they can be permitted to be compounded. However, offences under Sections 148 and 149 of the IPC are not compoundable. Hence, permission to compound them cannot be granted. However, since the accused and the victim have entered into a compromise, we feel that it would be in the interest of both sides to reduce the sentence awarded to the accused under Sections 325 and 341 of the IPC to the sentence already undergone.

7. In Ram Lal and anr. v. State of J & K[5] the accused were convicted for offence under Section 326 of the IPC, which is non- compoundable. Looking to the fact that the parties had arrived at a settlement and victim had no grievance, this Court reduced the sentence for the offence under Section 326 to sentence already undergone by the appellants-accused. We are inclined to follow similar course.

8. In the result, the appeal is partly allowed. The offences under Sections 341 and 325 of the IPC, for which the appellants are convicted, are permitted to be compounded because they are compoundable. The appellants are acquitted of the said offences. The appellants are stated to have undergone more than six months imprisonment. So far as offences under Sections 148 and 149 of the IPC are concerned, the conviction of the appellants for the said offences is reduced to the sentence already undergone by them subject to the appellants paying Rs.30,000/- as compensation to victim-Murugesan. Compensation be paid within three months from the date of this judgment.

9. This Court has already released the appellants on bail. In view of this order the bail bonds of the appellants are discharged subject to payment of compensation of Rs.30,000/- as directed by us. If compensation is not paid consequences will follow.