

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 1110 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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HANSABEN WIFE OF RAMANBHAI SHRIMALI - Appellant

Versus

RAMANBHAI RAMABHAI SONARA & 5 - Respondents

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Appearance :

MR DM AHUJA for Appellant : 1,

MR VM PANCHOLI for Respondents : 1,3 - 5.

NOTICE SERVED for Respondent : 2,

MR MA PATEL ADDL PUBLIC PROSECUTOR for Respondent : 6,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 28/12/2006

ORAL JUDGMENT

1.The appellant original complainant has filed
this appeal under Section 378(4) of the Code of

Criminal Procedure challenging the order of acquittal dated 28.3.2000 passed by the learned Metropolitan Magistrate, Court No. 19, Ahmedabad in Criminal Case No. 1434 of 1995 acquitting the respondents of charges of offences punishable under Sections 323, 294-B, 448 read with Section 114 of the IPC and under Section 135(1) of the Bombay Police Act.

2. Shri Ahuja, learned counsel appearing for the appellant has submitted that in fact the compromise has arrived at between the parties and in view of that compromise, Criminal Appeal No. 933 of 1999 filed by the State against the the respondents - original accused is dismissed.
3. Shri Ahuja, learned counsel appearing for the appellant and Shri Pancholi, learned counsel appearing for the respondents made statement before this Court that except offence under Section 294, all other offences are compoundable and some of them are compoundable with the consent of the Court and the parties have arrived at amicable settlement for compounding the offences and they have reduced the said compromise into writing. The compromise arrived at between the parties is placed on the record of this Court. Learned counsels have countersigned the said compromise and some of the parties are present before this Court. This matter was listed in the Board on 27.12.2006 and as the compromise was being arrived at between the parties, it was treated as part heard and

today, it is taken up for final disposal.

4. In light of the settlement arrived at between the parties, the order of acquittal deserves to be viewed.

5. This Court has perused the records and proceedings and as it appears from the judgment of the trial Court, no infirmity can be said to have been committed by the trial Court, so as to result into miscarriage of justice.

6. In view of this, this acquittal appeal deserves to be dismissed and is accordingly dismissed.

(S.R.BRAHMBHATT, J.)

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