

①

③

**BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR**

CRIMINAL REVISION NO. 503 /2002

- 1) Govind satnami, aged about 42 years,
- 2) Ashok alias Munna aged about 28 years,
- 3) Gopal, aged about 32 years,

All sons of Late Fandi Satnami,
cultivators, resident of village
Uslapur, P. S. & Tah Bemetara,
Dist. Durg (Chhattisgarh)

APPLICANTS
(ACCUSED PERSONS)

VERSUS

State of Chhattisgarh
Through : Police Station Bemetara,
Distt. Durg (Chhattisgarh).

RESPONDENT

CONVICTION

SENTENCE

U/S. 323 & 324 r/w Sec.
34 of I.P.C.

03 Months R.I. and fine of Rs.
200/- for each offence. In default
15 days of S.I.

CRIMINAL REVISION UNDER SECTION 397 READ WITH
SECTION 401 OF THE CRIMINAL PROCEDURE CODE AGAINST
THE JUDGEMENT AND SENTENCE PASSED IN CRIMINAL
CASE NO. 24/2001 DATED 28/2/2002 BY SHRI R. RIGRI,
MAGISTRATE SECOND CLASS, BEMETARA CONVICTING
EVERY ACCUSED APPLICANT UNDER SECTIN 323/34 AND
324/34 OF THE IPC AWARDING THREE MONTHS R.I. EACH TO
RUN CONCURRENTLY WITH A FINE IN THE SUM OF RS. 200/-
EACH ON EVERY COUNT AND THIS JUDGEMENT AND
SENTENCE HAVING BEEN CONFIRMED ENTIRELY IN FIRST
CRIMINAL APPEAL NO. 138/2002 THE APPLICANTS
(ACCUSED) RESPECTFULLY BEG TO LAY THIS HUMBLE
PETITION OF REVISION ON THE BACKDROP OF FOLLOWING
FACTS AND GROUNDS:

FACTS OF THE CASE



HIGH COURT OF CHHATTISGARH AT BILASPUR

(Hon. Mr. Justice Pritinker Diwaker)

Criminal Revision No. 503 of 2002

APPLICANTS

Govind Satnami and others

VERSUS

RESPONDENT

State of Chhattisgarh

Shri Arvind Dubey counsel for the applicants.
Shri Ravindra Agrawal PL for respondent/State.

Applicants - Govind Satnami, Ashok alias Munna and Gopal and also the complainant Thanwar are present before this Court. They are identified by Shri Arvind Dubey, Advocate.

**CRIMINAL REVISION UNDER SECTION 397/401 OF THE CODE OF
CRIMINAL PROCEDURE.**

J U D G M E N T
(30.06.2010)

This revision is directed against the judgment and order dated 23.10.2002 passed by Additional Sessions Judge, Bemetara, Durg in Criminal Appeal No. 138/2002 by which the judgment dated 28.2.2002 passed by the Judicial Magistrate Second Class, Bemetara convicting the accused/applicant Govind u/s 323, 323/34 and 324 Indian Penal Code and sentencing him to pay fine of Rs. 200 u/s 323 and 323/34 and to undergo rigorous imprisonment for three months u/s 324 IPC, in default further rigorous imprisonment for 15 days; accused/applicants Ashok and Gopal u/s 323 and 323/34 and 324/34 IPC and sentencing them to pay fine of Rs. 200 u/s 323 and 323/34 and to undergo rigorous imprisonment for three months u/s 324/34 IPC, in default further rigorous imprisonment for 15 days, has been modified and the accused/applicants have been convicted u/s 324/34, 323/34 IPC and sentenced to undergo three months rigorous imprisonment and fine of Rs. 200 for each offence plus default stipulations.

3. Facts of the case in brief are that on 4.2.1998 the accused/applicants had assaulted one Thanwar causing him various injuries with the help of battle axe and club.

4. So as to hold the accused/applicants guilty, prosecution has examined 06 witnesses in support of its case. Statements of the



32

- 2 -

accused/applicants were also recorded under section 313 of the Code of Criminal Procedure in which they denied the charges levelled against them and pleaded their innocence and false implication in the case. Vide judgment dated 28.2.2002 in Criminal Case No. 24/2001 the trial Court convicted and sentenced the accused/applicants as detailed above which in revision has been modified by the revisional Court as above.

5. Counsel for the applicants has filed IA No. 2 u/s 320 (2) and IA No. 3 u/s 320 (6) seeking permission of this Court to compound the offence. Both these applications are duly supported by the affidavits of the parties. Counsel for the applicants submits that the applicants named above and the complainant/victim have settled their disputes outside the Court and thus they want to compromise the matter. He submits that they are relatives and by lapse of time their relations have returned to normalcy.

In this view of the matter, applications (IA No.2 and IA No.3) are allowed and the compromise as prayed for by the parties is hereby permitted. Needless to say, that this compromise would have the effect of, acquittal of the applicants named above of the offences described above.

Order accordingly.

Sd/-
Pritinker Diwaker
Judge