

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn. P. (SH) No. 25 of 2012

18.04.13

Heard Mr. ODV Ladia, the learned counsel for the petitioner who submits that without any compromise or without hearing, the Deputy Commissioner, Jowai passed order dated 22.03.12 in proceeding in CT Case No. 13 of 1999 under Section 145 CrPC. The learned counsel further contended that there was a process to compromise but no compromise has been arrived at between the parties in spite of the fact that the Deputy Commissioner has dismissed the proceeding. Being aggrieved by the said impugned order, the petitioner approached this Court.

Also heard Mr. HS Thangkhiew the learned senior counsel who submits that there was a compromise between the parties and they have settled in a meeting dated 30.11.11 and also draws the attention of the Court to Annexure-II (Page-18), therefore, there is noting wrong in the order dated 22.03.12.

I have perused the impugned order in question and also perused the Minutes dated 30.11.11. On perusal of the said Minutes, it appears that both the parties are to prepare the settlement agreement for withdrawal of the case and also there are some conditions as found in conditions No. 1,2,3 & 4. But the impugned order dated 22.03.12 silent about agreement for withdrawal been filed before the learned Deputy Commissioner, Jowai. Therefore, I am of the considered view that before disposing of the case, the learned Deputy Commissioner, Jowai should have taken into consideration the Minutes referred to above or heard all the parties before arriving at a proper conclusion. Hence, I find that, it is a fit case to be remand back to the concerned Court for proper conclusion in accordance with law after hearing both the parties.

Accordingly, the impugned dated 22.03.12 is hereby set aside and both the parties are directed to maintain peace and harmony in the locality.

Registry is directed to send down back the Lower Court case record to the Court concerned along with copy of this order.

JUDGE

V. Lyndem