

**THE HIGH COURT OF TRIPURA
AGARTALA**

Crl. Rev. P. No. 40 of 2012

1. Sri Bikash Das
S/o Sri manoranjan Das
Resident of Champamura,
PS bishalgarh,
District-West Tripura.
2. Smt. Karuna Das
W/o Sri Atal Das
Resident of West Laxmibill
P.S. Bishalgarh
District-West Tripura.

.....Petitioners

- V E R S U S -

The State of Tripura represented by the
Secretary, Home Department,
Government of Tripura.

.....Respondent.

**B E F O R E
THE HON'BLE MR. JUSTICE U. B. SAHA**

For the petitioners	: Mr. AK Bhowmik, Sr. Advocate. Mr. R Dutta, Advocate
For the State respondent	: Mr. RC Debnath, Addl. PP.
Date of hearing & delivery of judgment and order	: 29.04.2016
Whether fit for reporting	: No.

JUDGMENT AND ORDER (ORAL)

The instant revision petition is filed by the petitioners, namely, Sri Bikash Das and Smt. Karuna Das challenging the judgment dated 28.05.2012 passed by the learned Addl. Sessions Judge, Court No.3, West Tripura, Agartala in Criminal Appeal No. 29(3) of 2011, whereby and wehreunder, the learned Addl. Sessions Judge upheld the conviction of the petitioners under Section 498(A)

of the IPC read with Section 34 IPC passed by the learned Sub-Divisional Judicial Magistrate, Bishalgarh, West Tripura in G.R. 239 of 2007, wherein, the learned trial court convicted the petitioners under Section 498A read with Section 34 of the IPC but allowed them the benefit of Probation of Offender's Act and postponed the sentence for two years in view of the fact that victim lady was happily residing in her matrimonial house.

2. Heard Mr. AK Bhowmik, learned Sr. counsel assisted by Mr. R Dutta, learned counsel for the petitioners as well as Mr. RC Debnath, learned Addl. PP for the State.

3. The brief fact of the case is that the victim/complainant Shiuli Das filed an FIR on 05.03.2007 at Bishalgarh Police Station alleging that on 28.11.2005 she was married to accused Bikash Das, petitioner No.1 herein, as per the Hindu Social Rites and customs and during her marriage her father gave cash amount of Rs.30,000/-, gold ornaments, clothing, money for motor bike and other articles amount in total to Rs.2,50,000/- and after her marriage she went to her matrimonial house but after 15 days the accused petitioners started torturing the victim/complainant physically and mentally on demand of Rs.25,000/- and other valuable articles pressurizing her to bring the same from her father's house. The victim/complainant was also mentally tortured by saying that she is not beautiful and her complexion is dark. Being unable to bear the mental and physical torture and finding no other alternative, the victim/complainant took shelter in the house of her father.

4. On the basis of the said FIR, police registered a case being GR No.239/2007 under Sections 498A/34 of the IPC against the accused petitioners. The learned trial court after completion of the trial convicted them under Section 498A/34 of the IPC.

5. Being aggrieved by the said judgment of the learned trial court the petitioners preferred an appeal under Section 374(3) of CrPC before the learned Sessions Judge, West Tripura, Agartala which was registered as Criminal Appeal No. 29(3) of 2011. The said appeal was dismissed by the learned Addl. Sessions Judge, Court No.3, West Tripura, Agartala vide judgment dated 28.05.2012 affirming the judgment of the learned trial court. Thereafter, the petitioners preferred the instant revision petition against the said judgment of the learned appellate court dated 28.05.2012.

6. The convict petitioner husband, namely Sri Bikash Das and the victim/complainant, namely, Smt. Shiuli Das wife of the petitioner No.1 filed a joint petition by affidavit for compounding the offence, wherein, it is stated that during the pendency of the litigation the husband and wife have settled their disputes and have been living together alongwith their child and other family members in the house of the husband peacefully.

7. Both the convict petitioner husband Sri Bikash Das and the victim/complainant wife, namely Smt. Shiuli Das are present in the court and stated that they are presently living together in the house of the convict-petitioner-husband along with other family

members and they have settled all their disputes and compromised the case with the help of the elderly people of the society and prayed for compounding the offence and quashing the entire proceedings and to set at liberty both the convict-petitioner husband Sri Bikash Das, husband of the victim/complainant and convict petitioner No.2, namely, Smt. Karuna Das i.e. the sister of the petitioner No.1.

8. Mr. Bhowmik, learned senior counsel appearing for the petitioners submits that though the offence committed by the petitioners is not a compoundable one but for the welfare of the family members of the convict-petitioner husband and the complainant/victim it would be proper to compound the offence and set aside the order of conviction passed by the learned trial court and upheld by the learned appellate court.

9. Mr. RC Debnath, learned Addl. PP submits that he has no objection to the prayer for compounding the offence as the convict petitioner husband and the victim/complainant-wife are residing together after settlement of their disputes and at present they are present in the Court today.

10. Normally, in a non-compoundable offence, the Court should not allow the parties to compound the offence but where due to some discord between the husband and wife, a criminal case is lodged under Section 498A of the IPC and subsequently, on completion of trial the husband and his family members are

convicted, in such a case if subsequently the parties settle their dispute with the help of the elderly people of the locality and the family members, then it would be proper for the Court to exercise its inherent power under Section 482 of the Cr. P.C. to settle up the dispute.

11. Considering the entire facts and circumstances, particularly the future life of the complainant and reunion of their married life, it would be proper to exercise the power of this Court under Section 482 of the Cr.P.C for the interests of justice. Accordingly, the order of conviction and sentence passed by the learned trial court and upheld by the learned appellate court is hereby interfered with by way of quashing the criminal proceedings. Accordingly, it is ordered. As the convict-petitioners are on bail, their bail bond stands discharged.

With the above, the instant revision petition is disposed of.

JUDGE

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