

MHPA100005252017



Criminal Appeal No.50/2017
Order Below Exh.1

Vithal Suresh Jadhav V/s State of
Maharashtra

01. The appellant–original accused has preferred the present appeal under Section 374 of the Code of Criminal Procedure, challenging the judgment and order dated 06.10.2017 passed by the learned Judicial Magistrate First Class, Sonpeth, in Regular Criminal Case No. 30 of 2011. By the said judgment and order, the learned Magistrate convicted the appellant for the offences punishable under Sections 325 and 323 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for five months and to pay a fine of Rs.5,000/- for the offence punishable under Section 325 of the Indian Penal Code, and rigorous imprisonment for one month and to pay a fine of Rs.1,000/- for the offence punishable under Section 323 of the Indian Penal Code.

02. During the pendency of the appeal, the appellant and the original complainant, namely Kantabai Digambar Bhise, appeared before this Court and jointly filed an application seeking permission to compound the offences on the ground that they had amicably settled the dispute. The learned predecessor of this Court had already granted permission to compound the offences. However, no final order could be passed as both parties remained absent when the matter was called out. Today, the appellant and the original complainant have again appeared before this Court and have affirmed that they have amicably resolved the dispute and have voluntarily compounded the offences. Since the offences punishable under Sections 325 and 323 of the Indian Penal Code are compoundable under Section 320 of the Code of Criminal Procedure, the compromise deserves to be accepted. Consequently, the following order is passed:

ORDER

1. The compromise between the appellant and the original complainant is accepted, and the offences are compounded under Section 320 of the Code of Criminal Procedure.
2. The judgment and order dated 06.10.2017 passed by the learned Judicial Magistrate First Class, Sonpeth, in Regular Criminal Case No. 30 of 2011 are hereby set aside.
3. The appellant–original accused is acquitted of the offences punishable under Sections 325 and 323 of the Indian Penal Code in view of Section 320(8) of the Code of Criminal Procedure.
4. The bail bonds and surety bonds of the appellant stand cancelled.
5. The Record and Proceedings of Regular Criminal Case No. 30 of 2011 be transmitted forthwith to the trial Court.
6. Criminal Appeal No. 50 of 2017 stands disposed of accordingly.

Date: 04.07.2026

(Virbhadra M. Sundale)
Additional Sessions Judge,
Gangakhed