

MHPU010131862012



ORDER BELOW EXH.1 IN
CRIMINAL APPEAL NO. 424/2012
(Dated 11th August, 2026)

This appeal is filed by the appellant against judgment and order passed by the Judicial Magistrate First Class (A.C.), Pune dated 05/11/2012 in R.C.C.No.1060/2008, wherein the appellant is convicted for the offence punishable under Section 379 of IPC and he is sentenced to undergo rigorous imprisonment for a term of 3 years and fine of Rs.5000/-, in default to undergo further rigorous imprisonment for the term of nine months. During pendency of the appeal, looking to the element of settlement between accused and the original complainant/owner of the property stolen, it was referred for mediation. Accordingly, the Mediator Judge submitted the settlement report (Exh.71) along with compromise pursis (Exh.72). Needless to mention here that the offence under Section 379 of IPC is compoundable and the owner of the stolen property can compound it. Thus, the owner of the stolen property has compounded the matter. In view of Section 320 (8) of Cr.P.C, the composition of an offence under this Section shall have the effect of an acquittal of the accused with whom the offence has been compounded. Accordingly, the judgment and order passed by the Ld. Judicial Magistrate First Class (A.C), Pune Pune in R.C.C No.1060/2008 dated 05/11/2012 is set aside and the accused is acquitted. His bail bonds stands cancelled. R and P of R.C.C. No. 1060/2008 be sent back to the Court of Ld. Judicial Magistrate First Class (A.C Court), Pune. The appeal stands disposed of as compounded.

Pune.

Date:-11/08/2026

(Arvind T. Wankhede)

Sessions Judge, Pune.