

1. Nimai Pandit, S/o Bhushan Pandit, resident of vill. Laiboni, PS- Bindapathar, Dist. Jamtara
2. Parmanand Pandit, S/o Bhushan Pandit, resident of vill. Laiboni, PS- Bindapathar, Dist. Jamtara
3. Arun Pandit, S/o Anil Pandit, resident of vill. Laiboni, PS- Bindapathar, Dist. Jamtara
4. Manbharan Pandit, S/o Binod Pandit, resident of vill. Laiboni, PS- Bindapathar, Dist. Jamtara
5. Anil Pandit, S/o Late Janki Pandit (***abated v.o.d. 09.06.2025***)
6. Akur Pandit, S/o Late Binod Pandit, resident of vill Laiboni, PS- Bindapathar, Dist. Jamtara

1. The State of Jharkhand
2. Nimai Pandit, S/o Pandu Pandit, resident of vill. Laivani, PS-Bindapathar, Dist. Jamtara **Respondents**

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For the Appellants	: Mr. Rajiv Lochan, Advocate Mr. Sanjay Kumar, Advocate Ms. Nanda Kumari, <i>Amicus</i>
For the State	: Mr. Tarun Kumar, APP
For the Informant	: Mr. Kamdeo Pandey, Advocate

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1. Heard the learned counsel appearing on behalf of the parties including the learned counsel for the informant, namely, Nimai Pandit, S/o Pandu Pandit, who is also the sole victim in the present case.

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3. The learned trial court has been pleased to sentence the appellant, namely, Anil Pandit (*appellant no. 5 herein*) and Akur Pandit (*appellant no. 6 herein*) for a period of 3 years for offence under Section 148 of IPC and rigorous imprisonment for a period of 7 years for offence under Section 307 of IPC and Akur Pandit has been further sentenced to undergo rigorous imprisonment for 3 years for offence under Section 379 of IPC. The appellants, namely, Nimai Pandit, Parmanand Pandit, Arun Pandit and Manbharan Pandit (*appellant nos. 1 to 4 herein respectively*) have been sentenced to undergo rigorous imprisonment for a period of 1 year for offence under Section 147 of IPC and rigorous imprisonment for a period of 1 year under Section 323 of IPC. All the appellants were directed to pay a fine of Rs. 1,000/- each and in case of default in payment of fine, they were further directed to undergo rigorous imprisonment of one month and all the sentences were directed to run concurrently.

4. Learned counsels for the parties have submitted that a joint compromise petition has been filed through I.A. No.13721/2024 and the victim-cum-informant has also joined in the joint compromise petition.

5. The learned counsel for the informant has submitted that both the parties have settled their dispute out of court with their free heart and consent and they belong to the same family and as of now they have good and amicable relationship. It has also been submitted that the informant party claimed to be the owner of the property in connection with which dispute arose and a decree was passed in favor of the accused persons in the civil suit.

6. It has been submitted that except offence under Section 307 of IPC, the rest of the offences are compoundable in nature and so far as Section 379 of IPC is concerned, the same is compoundable with the permission of the court. It has been submitted that appellant nos. 5 and 6 were convicted for offence under Section 307 and out of them, appellant no. 5, namely, Anil Pandit has expired and the appeal has abated. So far as Akur Pandit is concerned, he is appellant no. 6 in the present case.

All other accused persons have been convicted for offence under Section 147 and 323 of IPC and Akur Pandit has been convicted for offence under Sections 148, 307 and 379 of IPC. So far as theft is concerned, there is an allegation that one wrist watch and golden ring of the informant was stolen.

7. The learned counsels have also submitted that the doctor has been examined as P.W.-9 and he has stated that there were two sharp cut wounds on the head scalp 2" x 1" x skin deep and another 1½" x ½" x bone deep with red blood clot, but the nature of injury were simple in nature. He has also stated that there were some other injuries in different parts of the body, but the nature of injury was simple. However, during cross-examination, the doctor has stated that the nature of injury was dangerous to life.

8. The learned counsels have also submitted that the present offence is the first offence. It is also submitted that so far as the fine is concerned, the same has been deposited as at the time of grant of bail/confirmation of bail by this Court, there was a direction to deposit the fine amount.

9. During the course of hearing, it transpired that the appellant no. 6, namely, Akur Pandit has remained in custody from 03.08.2005 (the date of conviction) till he was granted bail by this Court on 17.08.2005 and a few days must have been taken for furnishing bail bonds before the court concerned.

10. So far as other accused persons are concerned, they were never taken into custody.

11. Learned counsel for the parties have also submitted that the sentence prescribed for offence under Section 147 or 148 or 323 is imprisonment or fine and therefore, the discretion is with the court with respect to the sentence. They have also submitted that no minimum sentence has been prescribed under Section 379 or Section 307 of IPC and punishment prescribed under Section 379 is that the imprisonment can be for a period of 3 years or with fine or both.

12. Learned counsel for the appellants and the Informant have submitted that considering the fact that the parties are from the same family and that there was civil dispute between the parties, though the civil dispute and the

decree was ultimately decided in favour of the accused persons, the conviction and the sentence be set-aside.

13. Learned counsel for the State has also submitted that the offence under Section 307 of IPC is not compoundable and if the court is satisfied, so far as the compromise is concerned, the sentence may be modified, but it cannot be compounded. He has also submitted that the judgement of conviction cannot be set aside on account of compromise as offence under Section 307 I.P.C. is not compoundable.

14. Learned amicus appointed in this case has also submitted that in case of compromise, the sentence can be modified, but conviction may not be set-aside. She has submitted that the judgment passed by the learned trial court is a well-discussed judgment and every aspect of the matter has been taken into consideration and the conviction does not call for any interference.

15. After hearing the learned counsel for the parties, this Court finds that the alleged offence is of 31.10.1998 which is based on the statement of the victim who is also the informant of the case, namely, Nimai Pandit, S/o Pandu Pandit. It is important to note that there is another Nimai Pandit son of Bhushan Pandit who is convict and appellant no.1 in this case.

16. As per the case lodged by the informant, he gave his statement while he was admitted in hospital alleging that he was coming on bullock cart after taking paddy crop from the field along with his father and when they reached to the house of the accused Binod Pandit, then all the accused persons, namely, Binod Pandit, Anil Pandit, Nimai Pandit, Parmanand Pandit, Bharan Pandit and Abhimanyu Pandit who were armed with sword, *sabal* and *lathi* surrounded the bullock cart and abused the informant and asked him as to why they were carrying the paddy crop from the field and they also threatened to kill them. On threatening, the father of the informant fled away and the informant was assaulted by the accused persons. It was stated that Binod Pandit, Nimai Pandit and Arun Pandit caught him and dragged him down from the bullock cart and accused Anil Pandit, who had a sword in his hand, gave him two blows of sword on his head causing

serious bleeding injuries and the accused Akur Pandit also assaulted him with *sabal* on his chest and all other accused persons assaulted him with *lathi* on his arm, leg, thigh and waist and it was also stated that the accused persons took away his watch and golden ring.

17. On the basis of his statement, the FIR was instituted being Nala (Bindapathar) P.S. Case No.86/1998 and ultimately cognizance was taken and charge was framed under Sections 147, 148, 149, 341, 323, 307, 379 and 324 of IPC.

18. The prosecution examined altogether 12 witnesses including the informant and the doctor. The informant was examined as P.W.-7 and the doctor was examined as P.W.-9. Amongst the exhibited documents the injury report was Exhibit-4 and a compromise petition was also exhibited as Exhibit-5 from the side of the prosecution.

19. The defence had exhibited the certified copy of the judgment passed in Title Appeal No.10/2001 as Exhibit-A and the certified copy of decree of Title Appeal No.10/2001 as Exhibit-A/1 and these documents were exhibited to show that the civil suit was ultimately decided in favour of the accused persons in connection with the property which was involved in this case.

20. The learned counsel for the appellants, during the course of hearing, has placed the evidence of the doctor and as per the evidence of the doctor, the following injuries were found on the person of the informant: -

“(i) Two sharp cut wound on head scalp size 2”x1” x skin deep and 1 ½” x ½” bone deep with red blood clot.

(ii) Bruise and swelling on left arm with quite pain. Size 3” x 2”

(iii) Abrasion on dorsum of hand ½” x ½”

(iv) Bruise & swelling at multiple places on back of size ½” x ½” to 2” x 1”

(v) Bruise & swelling on leg. 2” x 1”

(vi) Bruise on right arm & forearm 2” x ½”, 1” x ½”

M9 – Mole on left wrist

Nature: - simple with sharp cut and hard blunt weapon dangerous to life.”

21. The Doctor was cross-examined and, in his examination-in-chief itself, he has stated that though the injury was simple in nature, but during cross-examination, he has stated that the injuries were dangerous to life.

22. The victim during his evidence has also supported the prosecution case and had given vivid descriptions of the assaults and he exhibited the *fardbeyan* as Exhibit-3. He also supported the prosecution case to the extent that the wrist watch and golden ring was taken away from him.

23. During the course of hearing, the discussion of the evidence of P.W.-7, the victim as recorded in the impugned judgment, is not in dispute by the learned counsel for the parties.

24. So far as P.W. 2, 3 and 5 are concerned, they are said to be the eye-witnesses of the occurrence and they have also supported the prosecution case. It was also deposed by them that the paddy was taken away by the persons which was recovered from the house of the accused Akur Pandit.

25. Upon perusal of the evidences placed on record, particularly the evidence of P.W.-7, the informant and the evidence of the Doctor P.W.-9, it is apparent that the version is almost matching, so far as injury is concerned and there are eye-witnesses to the occurrence, but no injury has been recorded on the chest, though alleged in the FIR. It also appears that one of the accused-persons, namely, Binod Pandit died during the course of trial and another accused person, namely, Abhimanyu Pandit, being a juvenile, his trial was separated. Although there were 8 accused persons and consequently altogether 6 accused persons faced the trial.

26. This Court finds that the incident and the offences for which the accused persons were convicted has been duly proved and so far as this aspect of the matter is concerned, no argument has been advanced by the learned counsel for the appellants. Rather the learned counsel for the appellants has asserted that the parties have compromised their dispute outside the court and joint compromise petition has been placed on record. The learned counsel has also submitted that a compromise petition was also placed before the learned trial court which was marked Exhibit-5.

27. This Court finds that the learned trial court has convicted the appellant nos. 1, 2, 3 and 4 for offence under Sections 147 and 323 of IPC and sentenced them to undergo rigorous imprisonment for a period of one year with fine of Rs 1,000/- and the sentence has been directed to run concurrently. So far as appellant no. 5 is concerned, he has already expired and the proceeding has abated and so far as appellant no. 6 is concerned, he has been convicted for 3 years for offence under Section 148 of IPC; 7 years for offence under Section 307 of IPC and 3 years for offence under Section 379 of IPC.

28. While considering compromise between the parties in a case of 307 of IPC, the Hon'ble Supreme Court in the case of **Manjit Singh v. State of Punjab (2020) 18 SCC 777** has observed as under:

“5. Section 307 IPC is a non-compoundable offence. No permission can be granted to record the compromise between the parties. In Ishwar Singh v. State of M.P. (2008) 15 SCC 667, the Supreme Court of India has held that in a non-compoundable offence, the compromise entered into between the parties is indeed a relevant circumstance which the Court may keep in mind for considering the quantum of sentence. In paras 13 and 14 of the judgment in Ishwar Singh v. State of M.P., (2008) 15 SCC 667, this Court has held as under:

“13. In Jetha Ram v. State of Rajasthan, (2006) 9 SCC 255, Murugesan v. Ganapathy Velar (2001) 10 SCC 504 and Ishwarlal v. State of M.P. (2008) 15 SCC 671, this Court, while taking into account the fact of compromise between the parties, reduced sentence imposed on the appellant-accused to already undergone, though the offences were not compoundable. But it was also stated that in Mahesh Chand v. State of Rajasthan, 1990 Supp SCC 681, such offence was ordered to be compounded.

14. In our considered opinion, it would not be appropriate to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which the Court may keep in mind.”

29. This Court finds that the learned trial court has discussed every aspect of the matter while convicting the accused persons under the aforesaid sections. No perversity or illegality in the matter of appreciation of evidence

by the learned trial court as such has been argued or pointed out by the learned counsel for the appellants during the course of hearing. This Court has also gone through the materials on record and finds that the evidences have been duly discussed based on the materials brought on record and therefore no case has been made out for interference, so far as conviction of the appellants under the aforesaid sections are concerned.

30. This Court finds that although it was alleged that wrist watch and golden ring of the informant was taken away, but Akur Pandit was found guilty of offence under Section 379 of IPC primarily on the ground that bundles of paddy straw was recovered from the house of the Akur Pandit.

31. Further, taking into consideration that the parties belong to the same family and as per the joint submission made by the learned counsel for the appellants and the learned counsel for the informant, who is the sole victim of the present case, they have settled their disputes and they are living peacefully, this Court is of the considered view that the sentence of the appellant nos. 1 to 4 can be confined to fine only. ***The sentence of appellant nos. 1 to 4 is accordingly modified and is confined to the extent of fine only.***

32. So far as appellant no. 6 is concerned, he has been convicted under Section 379 of IPC primarily for recovery of bundles of paddy straw from his house and as per the First Information Report, this appellant had assaulted the informant-victim with *sabal* on chest and the head injury was inflicted by the appellant no. 5 Anil Pandit (now deceased), but as per the injury report, no injury on the chest has been found.

33. Considering the totality of the facts and circumstances and also the fact that the incident is of the year 1998 and the parties had not only informed the learned trial court that there was a compromise at the stage of trial and even before this Court, a joint compromise petition has been filed and the victim has also joined to file the joint compromise petition and it has been jointly submitted by the appellants and the informant before this Court that they are living peacefully and no minimum sentence has been prescribed under Sections 148, 307 and 379 of IPC for which appellant no.

6 has been convicted and this appellant has remained in custody for a period at least from 03.08.2005 i.e. the date of conviction till he was granted bail by this Court on 17.08.2005 and a few days must have been taken for furnishing bail bonds, ***the sentence of the appellant no. 6 is also modified and is confined to the period undergone and also the fine which has been imposed by the learned trial court.***

34. Thus, the conviction of the appellants is sustained, but their sentence is modified to the aforesaid extent. This appeal is accordingly ***disposed of.***

35. ***IA No. 13721 of 2024***, in the form of joint compromise petition, is hereby closed.

36. Pending interlocutory application, if any, is closed.

Appreciation for Amicus and Payment

37. Ms. Nanda Kumari, Advocate was appointed as Amicus in this appeal by this Court. This Court records its appreciation for the valuable assistance accorded by the learned Amicus in final disposal of the case. The Secretary, Jharkhand High Court Legal Services Committee is directed to ensure that the legal remuneration of the learned Amicus @ Rs.5,500/- per date subject to maximum total fees permissible as per applicable circular/norms is duly paid to her within a period of 4 weeks upon submission of bills.

38. The Office is directed to provide a copy of this order to Ms. Nanda Kumari, the learned Amicus and also to the Secretary, Jharkhand High Court Legal Services Committee.

39. Let a copy of this order be communicated to the court concerned through 'e-mail/FAX'.

(Anubha Rawat Choudhary, J.)

Dated: 17.03.2026

Uploaded On: 20.03.2026

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