

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2998/2012

(From the judgement and order dated 20/01/2012 in CRLA No.258/2004 of The HIGH COURT OF GUWAHATI ,ASSAM)

TIRTHA BORA

Petitioner(s)

VERSUS

STATE OF ASSAM & ORS.

Respondent(s)

(With appln(s) for bail and office report)

Date: 29/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Manish Goswami,Adv.
M/S Map & Co.,Adv.

For Respondent(s) Mr. C.M. Angadi,Adv.
Mr. V.N. Raghupathy,Adv.

Mr. Avijit Roy,Adv.
M/S Corporate Law Group,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard both sides.
Leave granted.

The appellant who is stated to be in jail, be released
forthwith unless required in connection with any other case.

The appeal is disposed of in terms of the signed order.

[Madhu Bala] [Savita Sainani]
Sr.PA Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1714 OF 2012
(@ SPECIAL LEAVE PETITION(CRL.) NO. 2998 OF 2012)

TIRTHA BORA

....APPELLANT

VERSUS

STATE OF ASSAM & ORS.

....RESPONDENT(S)

O R D E R

Heard both sides.

Leave granted.

Against the conviction under Section 326 IPC and sentence of four years awarded by the Trial Court and confirmed by the High Court, the appellant has filed this appeal.

During the pendency of the proceedings, all the parties viz. the injured as well as the accused arrived at a settlement on 4th December, 2004 by convening a meeting in the premises of Shantipur L.P. School in the presence of Lat Gaonburha and other residents of the village.

It is seen from the Settlement that both parties are mother and sons as well as brothers of the same father. It is also seen that the disputes, scuffles etc. originated between them i.e. between two parties following misunderstanding over the partition of their land. In view of the said incident, the first party lodged a case against the second party.

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After deliberations, both parties agreed to settle the dispute amicably and peacefully. It is also stated that even after institution of the case, they have been living together in a peaceful environment. It is further stated that the second party has been looking after the first party, his wife and three children with his income. They also agreed that in future they will not indulge in any quarrel and maintain peace and harmony among themselves.

Taking note of the relationship of the parties and the assurance in the form of settlement particularly in the presence of the village headman and other residents and also taking note of the fact that the appellant has served nearly eight months behind the bar, by exercising our jurisdiction under Article 142 of the Constitution and in order to do complete justice, we accept the claim of the parties as evidenced from the Deed of Compromise dated 4th December, 2004. Accordingly, we set aside the conviction and sentence imposed on the appellant. The appellant who is stated to be in jail, be released forthwith unless required in connection with any other case.

The appeal is disposed of on the above terms.

.....J.
[P. SATHASIVAM]

NEW DELHI
29TH OCTOBER, 2012

.....J.
[RANJAN GOGOI]