

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 186 OF 2013
(Arising out of SLP(CRL.) No. 5107 OF 2012)

NAJEEB

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of a Judgment and Order passed by the High Court of Kerala at Ernakulam whereby Criminal Revision Petition No. 466 of 2012 filed by appellant has been dismissed, his conviction for an offence punishable under Section 379 of the Indian Penal Code and the sentence of one year simple imprisonment awarded to him, upheld.

The appellant, it appears, was accused of and tried for having snatched away a gold chain worn by the complainant - Smt. Girija @ Geetha on 05.06.2003 at about 12.00 noon while she was walking along a road in Nedumbassery village. The trial eventually culminated in an order of conviction of the appellant for an offence punishable under Section 379 of the Indian Penal Code and a sentence of one year simple imprisonment awarded to him. Aggrieved, the appellant preferred an appeal before the Additional District and Sessions Court, Adhoc - III, Paravur, which appeal was dismissed by the appellate court thereby affirming the conviction of the appellant and the sentence awarded to him. The matter was then taken by the appellant to the High Court in Criminal Revision Petition No. 466 of 2012. The High Court has by its order dated 22.3.2012 dismissed the said revision petition and affirmed the conviction and sentence awarded to the appellant as already noticed above.

When this petition, came up before us on 5.7.2012, learned counsel for the appellant submitted that the appellant and the complainant in the case had settled the matter amicably. A copy of an affidavit said to have been sworn by the complainant to that effect, was also filed in the court. It was urged that since the offence punishable under Section 379 was compoundable, this Court could permit the parties to compound the same in terms of Section 320 of the Criminal Procedure Code, 1973.

By an order dated 27th July, 2012, this court directed the appellant to surrender to custody within two weeks and furnish a certificate to that effect before the Registrar General of the High Court of Kerala at Ernakulam, who was then directed to ascertain whether the complainant in the case had indeed amicably settled the matter with the appellant. Subsequent order dated 28.9.2012 had clarified our order dated 27.7.2012 to enable the Registrar General to verify the facts and to make a report to this court.

In compliance with the above directions, the Registrar General of the High Court of Kerala has submitted a report dated 19th October, 2012, in which the Registrar General has stated that the parties have indeed amicably settled the matter. The report appears to have been drawn up, after the Registrar General had satisfied himself about the identity of the complainant - Smt. Girija @ Geetha.

Learned counsel for the appellant today submits that in the light of the report received from the Registrar General, there was no impediment in permitting the parties to compound the offence and

