

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 167 OF 2017

(Arising out of SLP (Crl.) No(s). 6486 of 2013)

S.R. RAJU

Appellant(s)

VERSUS

STATE OF KARNATAKA THR. SHO AND ANR.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) This appeal is directed against the judgment and order dated 05.02.2013 passed by the High Court of Karnataka at Bangalore, whereby the High Court partly allowed the appeal filed by the appellant affirming the conviction for the charge under Section 324 IPC and modified his sentence from Rigorous Imprisonment for one year and fine of Rs.500/- to simple imprisonment for one month and to pay a fine of Rs.25,000/- with default stipulation.
- 3) The relevant facts which are necessary for the purpose of deciding this appeal are narrated hereunder:
- 4) On 09.09.2005, complaint was lodged by the Complainant/ Somashekara, the brother in law of the victim alleging that a panchayat was convened for the reason that the appellant had allegedly abused the wife of one I.Swamy. During the course of Panchayat, the appellant and four others had assaulted his brother-in-law I.Swamy with clubs, iron rods causing grievous

injuries. On the basis of the complaint, an FIR was registered under Sections 143, 147, 148, 149, 326 and 307 of the IPC against the accused persons.

5) The trial Court, after taking into consideration the evidence adduced, noticed that the prosecution has been able to establish only against the appellant herein that he had assaulted P.W.2 with iron rod and caused him simple injuries convicted the appellant for the offence under Section 324 IPC and sentenced him to undergo Rigorous imprisonment for one year and to pay a fine of Rs. 500/- with default stipulation and acquitted the remaining accused persons.

6) Being aggrieved, the appellant/accused preferred an appeal before the High Court and the High Court, after hearing the parties allowed the appeal in part, affirming the conviction of the appellant for the charge under Section 324 IPC and sentenced him to undergo simple imprisonment for one month and to pay a fine of Rs.25,000/- with default stipulation.

7) We have heard the learned counsel appearing for the appellant, learned counsel appearing for the Complainant/Respondent No.2 and the learned counsel appearing for the State at considerable length.

8) Learned counsel appearing for the appellant contended that the High Court erred in sentencing the appellant without taking into consideration that the aggrieved parties in the case i.e. the victim and the Complainant and the appellant

had compromised and maintained peace and good relationship between themselves and the same is recorded by the High Court in its judgment.

9) After hearing the contentions of the parties and carefully perusing the records of the case and after going through the judgments of both the trial Court as well as the High Court, it appears to us that the incident in question took place on 09.09.2005 and on that date we find that Section 324 Cr.P.C. is compoundable as it is amended only after 2009. Therefore, in our opinion, the High Court erred in not taking into account this fact and the benefit should have been granted to the appellant in the matter.

10) Hence, the decision of the High Court is not sustainable in the eye of law and we set aside the order passed by the High Court taking into account the fact that the same would come within the purview of Section 324 Cr.P.C. at the relevant time and is compounded.

11) Accordingly, the appeal is allowed.

.....J
(PINAKI CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
January 16, 2017.

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). 6486/2013

(Arising out of impugned final judgment and order dated 05/02/2013 in CRLA No. 1660/2006 passed by the High Court of Karnataka at Bangalore)

S.R. RAJU

Petitioner(s)

VERSUS

STATE OF KARNATAKA THR.SHO AND ANR

Respondent(s)

(With appln. (s) for impleadment and stay and suspension of sentence and office report)

Date : 16/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Shailesh Madiyal, Adv.
Ms. Shivani Srivastava, Adv.

For Respondent(s) Mr. Joseph Aristotle S., Adv.
Mrs. Priya Aristotle, Adv.

Mr. Bharadaj S. Iyengar, Adv.
Mr. Vikas Upadhyay, Adv.

Ms. Anitha Shenoy, Adv.

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

Application for impleadment is allowed.

Leave granted.

The appeal is allowed in terms of the signed order.

(JYOTI GUPTA)
SR. P.A.

(SNEH LATA SHARMA)
COURT MASTER

[Signed order is placed on the file]