

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No. 242 OF 2020
(Arising out of SLP(CrI.)No.8422 of 2019)

LAKHIRAJ DEKA

....APPELLANT

VERSUS

THE STATE OF ASSAM

....RESPONDENT

O R D E R

Leave granted.

This appeal, by way of special leave, is directed against judgment and order dated 07.03.2019 passed by the Gauhati High Court in CrI.Rev.P.No.232 of 2009 whereby the High Court upheld the conviction of the appellant herein under Section 420/323 IPC but reduced the sentence under Section 420 IPC from two years to one year but increased the fine from Rs.5,000/- to Rs.40,000/- and directed that fine, if realized, be given to the complainant.

On 26.08.2019, when the matter was listed before the Hon'ble Chamber Judge, learned counsel for the appellant informed the Court that after he was convicted for offence under Section 323/420 IPC, the parties have entered into a compromise.

On 20.09.2019, when the matter was listed before this Court for hearing, learned counsel appearing on behalf of the complainant stated that his client has no objection to compound the offence.

The appellant has also filed an application for permission to file affidavit of the complainant along with the

affidavit of the complainant indicating therein that the complainant has received an amount of Rs.1,60,000/- (Rupees one lakh sixty thousand) as compensation and fine from the appellant-accused. It is further stated in the said affidavit that with the intervention of the elders of family of the complainant as well as that of the accused person, the relationship between the two families have become cordial and as such, the complainant is of the opinion that the appellant-accused should not suffer further as he has his family to support with. It is also stated in the said affidavit that the complainant also felt that the incident is of the year 2005 i.e. more than 14 years down the line and in between lot of developments have taken place and no untoward incident has even taken place. The application is allowed in terms of the prayer made.

Taking into consideration the above-mentioned facts particularly Section 320(2) of Cr.P.C. and the table appended thereto, the impugned order passed by the High Court is set aside and the appeal is allowed. Accordingly, the conviction and sentenced awarded by the trial court as upheld by the appellate Court and modified by the High Court are set aside.

.....J.
(N.V.RAMANA)

.....J.
(AJAY RASTOGI)

.....J.
(V. RAMASUBRAMANIAN)

NEW DELHI;
FEBRUARY 07, 2020.

ITEM NO.31

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).8422/2019

(Arising out of impugned final judgment and order dated 07-03-2019 in CRLRP No.232/2009 passed by the Gauhati High Court)

LAKHIRAJ DEKA

Petitioner(s)

VERSUS

THE STATE OF ASSAM

Respondent(s)

(MR. HITENDRA NATH RATH, ADVOCATE HAS FILED V/A ON B/O COMPLAINANT
VIZ. BENUDHAR MEDHI

IA No.124175/2019 - APPLICATION FOR PERMISSION

IA No.116298/2019 - EXEMPTION FROM FILING O.T.)

Date : 07-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Azim H. Laskar, Adv.
Mr. Chandra Bhushan Prasad, AOR

For Respondent(s) Mr. Sachin Das, Adv.
Mr. Hitendra Nath Rath, Adv.

Mr. Nalin Kohli, Adv.
Ms. Nimisha Menon, Adv.
Mr. Shuvodeep Roy, AOR
Mr. Inderjeet Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)