

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.534 OF 2017
(Arising out of S.L.P.(Crl.) No.7800 of 2016)

Bhaskaran

Appellant(s)

Versus

State of Kerala

Respondent(s)

O R D E R

Leave granted.

The appellant has been convicted under Section 326 I.P.C. and sentenced to suffer imprisonment for one year and to pay a fine of Rs.1,000/- with a default clause. There is no dispute that the appellant has remained in custody for certain period.

We have been apprised by Mr. Gopal Shankaranarayanan, learned counsel for the appellant and Mr. Lakshmeesh S. Kamath, learned counsel, who has entered appearance on behalf of the informant that the parties are co-villagers and they have realised the mistake that has led them to an animus situation and, eventually, they, having decided to live in peaceable atmosphere, arrived at a settlement. Learned counsel for the informant would submit that the cause of justice would be best sub-served if the compromise is accepted and the judgement of acquittal is recorded. Learned counsel appearing for the State has no objection.

Having heard learned counsel for the parties and keeping in view the decision in Gian Singh vs. State of Punjab and Another (2012) 10 SCC 303 and the recent order passed in Unnikrishnan @ Unnikuttan vs. State of Kerala [S.L.P.(Crl.) No....Crl.M.P. No.18630 of 2016], we allow the application seeking permission to compound the offences. Needless to say, when we accept this application seeking compounding of the offences, we exercise the jurisdiction under Article 142 of the Constitution of India.

Resultantly, the appeal is allowed and the judgement of conviction and order of sentence imposed by the courts below are set aside.

.....J.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Mohan M. Shantanagoudar]

New Delhi
March 10, 2017.

ITEM NO.16

COURT NO.2

SECTION IIB

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 (Crl.) No.7800/2016

(Arising out of impugned final judgment and order dated 24/05/2016 in CRLP No. 922/2004 passed by the High Court of Kerala at Ernakulam)

BHASKARAN

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(With appln. (s) for settlement/compounding the offence and exemption from filing O.T. and interim relief and office report)

Date : 10/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Renjith B. Marar, Adv.
Mr. Zeeshan Diwan, Adv.
Ms. Lakshmi N. Kaimal, AOR
Mr. T.K. Babu, Adv.

For Respondent(s) Mr. Lakshmeesh S. Kamath, AOR
Mr. Anubhav Anand Pandey, Adv.

Mr. Nishe Rajen Shonker, Adv.
Anu K. Joy, 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.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)