

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1181 OF 2012
(SPECIAL LEAVE PETITION(CRL.)NO.4011 OF 2011)

NARESH KUMAR ...APPELLANT

VERSUS

STATE OF HARYANA & ANR. ...RESPONDENTS

O R D E R

1. Leave granted.
2. We have heard learned counsel for the parties to the *lis*.
3. This appeal is directed against the judgment and order dated 14.01.2011 passed by the Punjab and Haryana High Court in Criminal Appeal No.1245-SB of 2001. By the impugned judgment and order the High Court has modified the sentence imposed by the Trial Court from three years to 1½ years. Aggrieved by the same, the appellant is before us in this appeal.
4. During the pendency of this appeal, the parties have compounded the offence and an appropriate affidavit in this regard is also filed in this Court.
5. The conviction and sentence under Section 324

of the Indian Penal Code, 1860 (for short 'the I.P.C.'), as of now, cannot be compounded but the incident in the present case took place on 27.12.1997 and on that date the said offence could be compounded. The issue as to whether the conviction and sentence passed under Section 324 of the I.P.C., prior to the amendment in the year 2006, could be compounded or not came up for consideration of this Court in the case of Mohd. Abdul Sufan Laskar and Others Vs. State of Assam, (2008) 9 SCC 333. In the said decision, this Court has held as under :

"It is no doubt true as stated by the learned counsel for the appellants even at the time of preliminary hearing of this matter that by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) the above entry has been deleted. In other words, an offence of voluntarily causing hurt by dangerous weapons or means punishable under Section 324 IPC is no more compoundable. The Amendment Act of 2005 came into force from 23.06.2006.

As we have already noted, according to the prosecution, the appellants had committed the offence on 15.06.1995. In view of the above fact, in our opinion, Act 25 of 2005 has no application to the facts of the case. We, therefore, see no ground to refuse permission as sought by the parties who have compromised the offence which was compoundable under the Code as it stood in 1995. If it is so, compounding can be permitted and the accused (the appellant) can be acquitted.

For the foregoing reasons, in our opinion, the appeal deserves to be allowed and is accordingly allowed by holding that since the matter has been compounded by compromise between the parties and there is no illegality therein, such compounding can be permitted by the Court...

Ordered accordingly."

6. In view of the above, since the offence had taken place on 27.12.1997, i.e. prior to the amendment, and in view of the fact that the complainant and the accused intends to compound the offence, we grant the request made in the said application for compounding of offence. Accordingly, we set aside the orders passed by the Trial Court as modified by the High Court and allow the appeal.

7. In the result, the accused is acquitted from the charges alleged against him.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;

AUGUST 06, 2012

SUPREME COURT OF INDIA



JUDGMENT