

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 534 OF 2007

GAYA PRASAD

.. APPELLANT(S)

VS.

STATE OF M.P. & ORS.

.. RESPONDENT(S)



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R D E R

This appeal has been filed impugning the judgment of the High Court dated 13/2/2008 wherein the judgment of the Additional Sessions Judge, Sidhi (M.P.) convicting the appellants for an offence punishable under Sec.307 of the Indian Penal Code and awarding a sentence of seven years R.I. and a fine, has been modified to a conviction under Sec.324/34 of the IPC.

During the hearing of this matter the learned counsel for the appellant argued that as the parties were closely related to each other and had since compromised the dispute it was appropriate that the offence be compounded and the appellant be acquitted. The learned counsel also sought time to produce the complainant Bhagwan Dutta Mishra before us. An elderly gentleman claiming that he was Bhagwan Dutta Mishra has appeared before us today and



stated that he had no grievance against the appellant and he would be happy if the matter was compounded. We

questioned the learned counsel for the parties as to whether Bhagwan Dutta Mishra could be identified by any of them. They rightly declined to do so and stated that only the *ipse dixit* of the gentleman was available before us.

Keeping in view this fact we are not inclined to compound the offence but as the dispute appears to have been settled and in any case is a trivial one, we direct



that the appellants be released on probation under Section 4 of the Probation of Offenders Act, 1958, on conditions to be settled by the Trial Court. The appeal is allowed to the above extent.

.....J.
(HARJIT SINGH BEDI)

New Delhi,
November 10, 2009.

.....J.
(J.M. PANCHAL)

SUPREME COURT OF INDIA



JUDGMENT