

## **Md. Jamil Khan vs State Of West Bengal And Anr. on 22 January, 1974**

**Equivalent citations: (1975)3SCC305, 1974(6)UJ170(SC)**

**Bench: R.S. Sarkaria, V.R. Krishna Iyer**

### **JUDGMENT**

Krishna Iyer, J.

1. The appellant has been convicted for an offence under Section 420, Indian Penal Code, by this Presidency magistrate, third court, Calcutta. The appeal by the accused proved unavailing and he has come to this Court under Article 136.
2. It appears from the case that the accused and the complainant have been having business dealings before and both of them are traders in dry bones. It is represented before us that the case has been compounded by the parties and the affidavit of the complainant (second respondent) is also filed. We think that this is pre-eminently a case where mutual claims might have existed and probably there was some over-reaching by one of the other. Without going into the merits & accepting reasonableness of the compounding of the offence, we grant leave for the composition under Section 345(5), Criminal Procedure Code. The accused is consequently acquitted of the offence and the appeal is disposed of accordingly.