

Supreme Court of India

Mahesh Chand And Anr. vs State Of Rajasthan on 14 March, 1988

Equivalent citations: AIR 1988 SC 2111, 1988 (36) BLJR 468, 1988 CriLJ 121, JT 1988 (1) SC 618, 1990 Supp (1) SCC 681

Author: B Ray

Bench: B Ray, K J Shetty

ORDER B.C. Ray, J.

1. In this special leave petition challenging the validity of the conviction under Section 307 I.P.C., the parties want to have the offence compounded. They have come to terms. They want this Court to permit them to compound the offence.
2. The accused were acquitted by the trial court, but they were convicted by the High Court for the offence under Section 307 I.P.C. This offence is not compoundable under law. The parties, however, want to treat it a special case, in view of the peculiar circumstances of the case. It is said and indeed not disputed that one of the accused is a lawyer practicing in the lower court. There was a counter case arising out of the same transaction. It is said that this case has already been compromised. The decision of this Court in Suresh Babu v. State of Andhra Pradesh (1987) 2 JT 361, has been also referred to in support of the plea for permission to compound the offence.
3. We gave our anxious consideration to the case and also the plea put forward for seeking permission to compound the offence. After examining the nature of the case and the circumstances under which the offence was committed, it may be proper that the trial court shall permit them to compound the offence.
4. We therefore, direct the trial Judge to accord permission to compound the offence, after giving an opportunity to the parties and after being satisfied with the compromise agreed upon. The connected papers filed in this connection before this Court be transmitted to the trial court for the purpose. The parties, if they want may file additional documents.
5. In the meantime the petitioners be released on bail to the satisfaction of the trial Judge (Additional Sessions Judge, Baran).
6. Special leave petition is accordingly disposed of.