

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. 884 OF 2022
(@ S.L.P.(Cr1.) No. 5512 of 2022 @ Diary No. 10588 of 2020)

GUHANAppellant(s)

Vs.

STATE REPRESENTED BY INSPECTOR OF POLICERespondent(s)

WITH

CRIMINAL APPEAL NO. 885 OF 2022
(@ S.L.P.(Cr1.) No. 4615 of 2021)

O R D E R

Delay condoned.

Applications for impleadment are allowed.

Leave granted.

The present applications have been filed by the appellants for permission to compound the offence and set aside the order of conviction and sentence dated 16th June, 2010 passed by the Additional District and Sessions Court, Chennai and upheld by the High Court of Madras vide the impugned order.

The appeals have been filed challenging the judgment and order passed by the High Court of Madras dated 27.08.2019 by which the learned Division Bench of the High Court, while confirming the conviction under Sections 307 read with 149, IPC has reduced the sentence to three years.



During the pendency of these proceedings, the sister of the injured-PW-2 has married the accused No. 3 (Guhan). The accused persons as well as the injured are all residents of the same locality. In order to bring peace and in order to live cordially, the present applications have been filed. The appellants have already undergone sentence of more than 18 months.

In the peculiar facts and circumstances of this case, particularly when there is a marriage within the families of the injured and the accused, we consider it a fit case wherein this Court could exercise its power under Article 142 of the Constitution of India.

We, therefore, permit the parties to compound the offence. The sentence as directed by the High Court is further modified to the period already undergone. The accused who are in jail shall be released forthwith, if not required in connection with any other case.

The bail bonds of the accused who are on bail shall stand discharged.

The Appeals are disposed of accordingly.

Pending application(s), if any, shall stand(s) disposed of.

.....J.
(B.R. GAVAI)

.....J.
(HIMA KOHLI)

New Delhi;
June 01, 2022.



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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10588/2020

(Arising out of impugned final judgment and order dated 27-08-2019 in CRLA No. 385/2010 passed by the High Court of Judicature at Madras)

GUHAN

Petitioner(s)

VERSUS

STATE REPRESENTED BY INSPECTOR OF POLICE

Respondent(s)

(FOR ADMISSION and I.R. [ONLY SLP(CRL)NO. 4615/2021 IS LISTED AGAINST THIS MATTER.]

IA No. 79135/2020 - CONDONATION OF DELAY IN FILING
 IA No. 79138/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 79139/2020 - EXEMPTION FROM FILING O.T.
 IA No. 79144/2020 - INTERVENTION/IMPLEADMENT
 IA No. 79143/2020 - PERMISSION TO COMPOUND THE OFFENCE)

WITH

SLP(Cr1) No. 4615/2021 (II-C)

(FOR ADMISSION and I.R.

IA NO. 68764/2021 - CONDONATION OF DELAY IN FILING
 IA No. 68765/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 68766/2021 - EXEMPTION FROM FILING O.T.
 IA No. 77708/2022 - PERMISSION TO COMPOUND THE OFFENCE
 IA No. 77711/2022 - INTERVENTION/IMPLEADMENT

Date : 01-06-2022 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
 HON'BLE MS. JUSTICE HIMA KOHLI
 (VACATION BENCH)**

**For Petitioner(s) Mr. Karunakaran, Adv.
 Mr. K. Balambihai, Adv.
 Mr. Anoop Prakash Awasthi, AOR**

Mr. S. Gowthaman, AOR

**For Respondent(s) Dr. Joseph Aristotle S., AOR
 Ms. Nupur Sharma, Adv.**

Mr. Sanjeev Kumar Mahara, Adv.



UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Applications for impleadment are allowed.

Leave granted.

We, therefore, permit the parties to compound the offence. The sentence as directed by the High Court is further modified to the period already undergone. The accused who are in jail shall be released forthwith, if not required in connection with any other case.

The bail bonds of the accused who are on bail shall stand discharged.

The Appeals are disposed of in terms of signed order.

Pending application(s), if any, shall stand(s) disposed of.

(NEETA SAPRA)
COURT MASTER (SH)
(Signed order is placed on the file)

(RANJANA SHAILEY)
COURT MASTER (NSH)