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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

**ON THE 25<sup>th</sup> OF JANUARY, 2024**

**CRIMINAL REVISION No. 6001 of 2023**

**BETWEEN:-**

**RAHUL SONKAR S/O SHRI RAJENDRA SONKAR, AGED  
ABOUT 34 YEARS, OCCUPATION: BUSINESSMAN R/O  
HOUSE NO 348 MOTIMAHAL BHARTIPUR OMTI  
JABALPUR (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI DEEPAK SONI - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION OMTI DISTRICT JABALPUR (MADHYA  
PRADESH)**

**.....RESPONDENT**

**(BY SHRI DILIP SINGH PARIHAR - PANEL LAWYER FOR  
RESPONDENT/STATE AND SHRI YASH AGRAWAL - ADVOCATE FOR  
VICTIM)**

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*This revision coming on for hearing this day, the court passed the  
following:*

**ORDER**

Heard on I.A.No.1706/2024, an application for leave to compound  
the offence under section 323 of IPC.

2. The applicant herein was convicted for commission of offence  
under section 323 of IPC and was sentenced to 03 months R.I and fine of  
Rs.1000/- with default stipulation vide judgment dated 29.04.2022 passed by  
JMFC, Jabalpur in RCT No.2718/2013 (State of M.P. Vs. Rahul Sonkar). The  
aforesaid judgment was assailed by filing appeal but learned Sessions Judge,

Jabalpur vide appellate judgment dated 15.12.2023 passed in Cr.A.No.109/2022 (Rahul Sonkar Vs. State of M.P.) dismissed the appeal and affirmed the judgment passed by the trial court. Hence, this revision.

3. I have heard learned counsel for the parties.

4. The applicant and injured are husband and wife. Under section 320(1) of Cr.P.C the person to whom voluntary hurt is caused is competent to compound the offence without leave of the court. As per mandate of section 320(5) of Cr.P.C, when the accused has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the court to which he is committed or before which the appeal is to be heard. It is apparent that revisional court or appellate court can grant leave to compound the offence. Applicant and victim are husband and wife and they have amicably settled their dispute. The compromise application has been duly verified by Registrar (J-II) on 24.01.2024. The wife/ victim to whom hurt was caused has been duly identified by learned counsel for the victim. Compromise arrived at between the parties appears to be voluntary and without any threat or undue pressure. Therefore, this court is inclined to grant leave to compound the offence. Accordingly, I.A is allowed. Consequently, this revision is also **allowed.**

5. In view of the above, the impugned judgment of conviction and order of sentence dated 29.04.2022 passed by learned JMFC, Jabalpur in RCT No.2718/2013 and affirmed by learned Sessions Judge vide judgment dated 15.12.2023 in Criminal Appeal No.109/2022 are set aside.

6. Applicant/accused Rahul Sonkar is acquitted of the offence under Section 323 of the IPC. He be released in this case forthwith, if he is not required in any other case. He is entitled to receive back the fine amount, if any,

deposited by him before the trial court in this case.

7. Trial Court record along with copy of this order be sent down to Court concerned through Sessions Judge, Jabalpur for necessary compliance.

**(DINESH KUMAR PALIWAL)**  
**JUDGE**

MKL

