
(1987) 1 JT 742 : (1987) SCC 80 Supp : (1987) 1 SCC 80 Supp

Supreme Court of India

Case No: Criminal Appeal No. (sic) of 1987 (Arising out of Special Leave Petition (Criminal) No, 3064 of 1986)

Madhusudan Sahu and
others

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision: Feb. 17, 1987

Acts Referred:

Penal Code, 1860 (IPC) " Section 323

Citation: (1987) 1 JT 742 : (1987) SCC 80 Supp : (1987) 1 SCC 80 Supp

Hon'ble Judges: M. P. Thakkar, J; B. C. Ray, J

Bench: Division Bench

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

M.P. Thakkar, J.

Special leave granted.

2. This order is with further reference to our earlier order passed on December 16, 1986. Learned Counsel for the State has now appeared before

us to assist us in dealing with this matter. The report of the learned Sub Divisional Judicial Magistrate is an extremely well-considered report and

we feel safe in relying on it. Under the circumstances, we grant leave for compounding the offence u/s 323 I.P.C. for which the appellants have

been convicted. The conviction u/s 323 I.P.C. must, therefore, be set aside and the appellants must be acquitted of the said offence. In regard to

the other offence for which the appellants have been convicted, we feel that a compassionate approach deserves to be made having regard to the

facts which have emerged in the report of the learned Magistrate. Having taken into consideration all the relevant circumstances it appears that the

appellants acted in a moment of aberration due to loss of self-control. We, therefore, think that the ends of justice will not be served by making a

strict approach in regard to the other offence. Under the circumstances, we reduce the sentence to the term already undergone. The appellants

shall be set at liberty forthwith.

3. The appeal is disposed of accordingly.