

IN THE HIGH COURT OF KARNATAKA AT
BANGALORE

DATED THIS THE 10TH DAY OF SEPTEMBER, 2014

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRIMINAL REVISION PETITION No.623 OF 2014

BETWEEN:

Devaraja,
Son of Javaregowda,
Aged about 45 years,
Byadarahalli Village,
Bagoor Hobli,
Channarayapatna Taluk,
Hassan District.

...PETITIONER

(By Shri. Halesha R.G., Advocate)

AND:

1. Javaregowda,
Son of Late Kempegowda,
Aged about 70 years,
2. Manjegowda,
Son of Javaregowda,
Aged about 38 years,

Both are residing at

Byadarahalli Village,
Bagoor Hobli,
Channarayapatna Taluk,
Hassan District.

3. Sub Inspector of Police,
Channarayapatna Rural Police Station,
Channarayapatna Town,
Channarayapatna Taluk,
Hassan District.

...RESPONDENTS

(By Shri. K.R. Keshav Murthy, State Public Prosecutor 1 for
Respondent No.3)

This Criminal Revision Petition is filed under Section 397 of the Code of Criminal Procedure, 1973, praying to set aside the judgment and orders of remanding passed by the Presiding Officer, Fast Track Court and Additional Sessions Judge, Channarayapatna in Criminal Appeal No.40/2014, dated 14.7.2014 by setting aside the well speaking order dated 25.10.2013 in C.C.No.1451/2011 on the file of the Additional Civil Judge, Channarayapatna by allowing this Criminal Revision Petition.

This petition coming on for Orders on Office Objections this day, the court made the following:

ORDER

Notice to respondents – 1 and 2 is dispensed with. The learned State Public Prosecutor is directed to take notice to respondent no.3.

2. It is seen that the petitioner is said to be the son of respondent no.1 and the brother of respondent no.2. It transpires that the petitioner had let his cattle loose and they were grazing in the lands of respondents 1 and 2, as a result of which, there was a quarrel between the petitioner and respondents 1 and 2, resulting in injuries being caused to respondents 1 and 2. In this background, a criminal case had been registered and the matter was pending before the trial court. Since the offences alleged were all compoundable in nature, the matter had been referred to the Lok Adalat and was compounded before the Lok Adalath. It is thereafter that respondents 1 and 2 had filed an appeal before the lower appellate court and the lower appellate court having entertained the appeal, has set side the compromise recorded by the Lok Adalat. It is that which is sought to be questioned.

3. In view of the law laid down by the apex court in the case of *State of Punjab vs. Jalour Singh*, (2008)2 SCC 660, it

was not permissible for the appellate court to have entertained the appeal once the matter has been compounded and an award has been passed in terms thereof by the Lok Adalath.

Accordingly, the petition is allowed and the judgment of the court below is set aside.

Sd/-
JUDGE

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