

REVISIONAL CRIMINAL.*Before Sir Shadi Lal, Chief Justice.*

THE CROWN, Petitioner

versus

MOHNA, Respondent.

Criminal Revision No. 154 of 1926.

Criminal Procedure Code, Act V of 1898, section 345 (as amended by Act XVIII of 1923)—Whether compounding an offence with one or more of several accused persons has the effect of acquittal in respect of the other accused persons.

The compounding of an offence with one or more of several accused persons has not the effect of acquittal in respect of the remaining accused between whom and the complainant no composition has been arrived at, *vide* section 345 of the Code of Criminal Procedure, as amended by Act XVIII of 1923.

Case reported by F. H. Puckle, Esquire, District Magistrate, Amritsar, with his No. 252, dated 19th January 1926.

REPORT OF THE DISTRICT MAGISTRATE.

The complainant, on acquittal of the accused by *Khan Sahib Chaudhri* Hussain Ali, exercising the powers of a Magistrate of the 1st class in the Amritsar District, by order, dated 8th October 1925, under section 325 of the Indian Penal Code, has applied on the revision side to have the said order set aside.

The facts are as follows:—Harnam Singh, Tahal Singh, Chanchal Singh and Sundar Singh were convicted of an offence under sections 325 and 149, Indian Penal Code. Mohna was an absconder in this case. On Appeal in the Sessions Court a compromise under section 345, Criminal Procedure Code, was permitted by the Sessions Judge, between the injured party Bakshish Singh and the four convict ap-

1926

March 19.

pellants. This compromise did not include and was not made with Mohna, absconder. The four appellants were acquitted. After this Mohna surrendered himself and was put on his trial. The Magistrate has acquitted him on the strength of *Chandra Kumar Das v. Emperor* (1). This ruling is out of date. A compromise only involves the acquittal of those with whom the compromise is made. The Magistrate's order is since the revision of the Criminal Procedure Code by Act XVIII of 1923, absolutely wrong in law.

1926.
THE CROWN
v.
MOHNA.

THE ORDER OF THE HIGH COURT.

SIR SHADI LAL C. J.—The compounding of an offence with one or more of several accused persons has not the effect of acquittal in respect of the remaining accused between whom and the complainant no composition has been arrived at. This was the view adopted by this Court, and the matter has now been set at rest by the amendment of section 345, Criminal Procedure Code, by the Criminal Procedure Code Amendment Act, XVIII of 1923.

I accordingly accept the recommendations made by the District Magistrate and setting aside the order of the Court of first instance direct that the accused be tried in accordance with law.

A. N. C.

Revision accepted.

(1) (1902) 7 Cal. W. N. 176.