

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.837 OF 2024
(@ SLP(CRL.) No.6012/2021)**

MARE GOWDU & ANR.

APPELLANT(S)

VERSUS

**STATE REP. BY DEPUTY
SUPERINTENDENT OF POLICE & ANR.**

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal has been preferred against the conviction rendered concurrently by both the Courts below for the offences punishable under Sections 354 and 506 Part-I of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 3(2)(Va) and 3(1)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, 'the Act, 1989') while, under the impugned order, the appellants were acquitted for the offence punishable under Section 3(1)(s) of the Act, 1989.
3. The learned counsel appearing for the appellant submitted

that the evidence of PW-1, PW-2 and PW-3 has not been considered in the correct perspective by both the Courts below. In any case, the matter has been resolved between the parties. The aforesaid submission with respect to the dispute being resolved between the parties has been acknowledged by the learned counsel appearing for respondent No.2. However, the learned senior counsel appearing for the State rightly submitted that it is a case of conviction and, therefore, any subsequent arrangement between the parties will not have any bearing on the case.

4. On a perusal of the impugned order, we find that even on merits, the appellant is entitled for acquittal. PW-2 is not stated to have seen the occurrence but merely reached the spot only after hearing an alarm raised by PW-1. The complaint has been filed on 24.05.2016 for the occurrence on 15.05.2016.
5. We are conscious of the settled position of law that merely delay in registering the FIR *per se* cannot be a ground to reject the case of the prosecution but there has to be an explanation, especially, when 10 days have elapsed. In our view, the explanation given by the prosecution cannot be accepted.
6. In such view of the matter, we are inclined to set aside the impugned order.

7. Accordingly, the appeal is allowed.

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

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
13TH FEBRUARY, 2024

ITEM NO.9

COURT NO.14

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6012/2021

(Arising out of impugned final judgment and order dated 07-04-2021 in CRLA No. 649/2019 passed by the High Court of Judicature at Madras)

MARE GOWDU & ANR.

Petitioner(s)

VERSUS

STATE REP. BY DEPUTY
SUPERINTENDENT OF POLICE & ANR.

Respondent(s)

(IA No. 88666/2021 - PERMISSION TO COMPOUND THE OFFENCE)

Date : 13-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. B. Karunakaran, Adv.
Mr. K. Balambihai, Adv.
Mr. Ajish Willliaym S., Adv.
Mr. P. Shankar, Adv.
Mr. V.M. Eashwar, Adv.
Mr. Anoop Prakash Awasthi, AOR

For Respondent(s) Mr. V. Krishnamurthy, Sr. A.A.G.
Mr. D. Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.

Ms. Venmani, Adv.
Mr. R. Poornachandiran, Adv.
Mr. S. Gowthaman, AOR

Ms. Anzu. K. Varkey, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

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

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)