

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 511 OF 2000

BADAL DEB & ANR.

Appellant (s)

VERSUS

STATE OF ASSAM

Respondent(s)

(With appln(s) for intervention and office report)

Date: 02/03/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Kailash Vasdev, Sr. Adv.

Mr. Prateek Kumar, Adv.

Mr. Yudhisther Singh, Adv.

Mrs. V.D. Khanna, Adv.

For Respondent(s)

Mr. Rajiv Mehta, Adv.

Mr. V.K. Sidatharan, Adv.

for M/s. Corporate Law Group, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Application for ntervention is dismissed.

The appeal is allowed in-part. The appellants, who are on bail
,
are discharged from the liability of bail bonds.

[Alka Dudeja]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 511 OF 2000

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O R D E R

The appellants, along with three other accused persons,
were convicted under Section 498A read with Section 34 of the
Indian Penal Code [for short, 'I.P.C.'] by the trial court and
sentenced to undergo rigorous imprisonment for a period of two

years. The other three accused persons were also convicted under Section 307 read with Section 34 I.P.C. So far Accused No.1 (Dilip Kumar Deb) is concerned, he was awarded sentence of rigorous imprisonment for a period of seven years; whereas the other two accused persons, namely, Accused No.3 (Ranubala Deb) and Accused No.4 (Meenubala Deb) were awarded sentence of rigorous imprisonment for a period of three years. All the sentences, however, were ordered to run concurrently. On appeal being preferred, the High Court confirmed the conviction. Hence, the

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special leave petition was filed by all the five accused persons. So far the special leave petition filed on behalf of the three accused persons is concerned, the same was dismissed; whereas leave was granted in relation to the two appellants, namely, Badal Deb and Subarna Bala Deb.

Heard learned counsel for the parties.

Learned counsel appearing on behalf of the appellants first tried to persuade us for rendering order of acquittal in relation to the appellants. It appears that this Court, by rejecting special leave petition in relation to the other three accused persons, has confirmed their conviction under Section 498A I.P.C.

as well. So far the appellants are concerned, we do not find any point of distinction in the case of the appellants, viz-a-viz the other three accused persons whose conviction under Section 498A I.P.C. has been confirmed. Learned counsel next submitted that the appellants have remained in custody for a period of more than two months and in the present case an affidavit has been filed by the victim stating therein that the parties have amicably settled their disputes. The offence under Section 498A I.P.C. is not compoundable. It is well settled that if an offence is not compoundable, permission cannot be accorded to record the compromise, but effect of the same can be taken into consideration while awarding sentence. In the facts and circumstances of the case, we are of the view that the ends of justice would be met if the sentence of imprisonment awarded

....3/-

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against the appellant is reduced to the period already undergone.

Accordingly, the appeal is allowed in-part and while upholding the conviction of the appellants, the sentence of imprisonment awarded against them is reduced to the period already undergone. The appellants, who are on bail, are discharged from the liability of bail bonds.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

March 02, 2006.