

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1095 OF 2013

H.R. ASHOK

APPELLANT(S)

VERSUS

STATE OF KARNATAKA

RESPONDENT(S)

O R D E R

1. The unsuccessful convict has filed this appeal, aggrieved over the conviction and sentence for the offence punishable under Section 324 and 307 of the Indian Penal Code, 1860 (for short, the 'IPC') along with fine for a sum of Rs.15,000/-, which is directed to be paid as compensation to PW-4.
2. The case of the prosecution in nutshell is that the appellant along with the other four accused attacked PW-1 to PW-4 pursuant to a civil dispute by throwing acid. The High Court in the impugned order was pleased to confirm the acquittal of the other accused. However, the acquittal of the appellant was set aside and accordingly, he was convicted under Sections 324 and 307 of the IPC.
3. Though the learned counsel appearing for the appellant submitted that what was applied to the other accused will have to be extended to him as well, we are not inclined

to accept the said submission as the High Court has rightly taken into consideration the eye-witnesses' statements, including PW-4.

4. Mere discrepancies in the statement made will not enure to the benefit of the appellant as an injured witness has to be placed at a higher pedestal while appreciating the evidence.
5. In such view of the matter, the conviction rendered against the appellant stands confirmed. However, by taking into consideration the fact that the occurrence took place in the year 2001, and the appellant has already undergone eight months of incarceration, we are inclined to modify the sentence to the one already undergone, subject to the condition that the appellant shall pay an additional sum of Rs.50,000/- towards token compensation to PW-4. The aforesaid amount will have to be paid within a period of eight weeks from today. A compliance affidavit will be filed within a period of two weeks thereafter. If PW-4 does not wish to receive the said amount, the appellant shall pay it in favour of the Supreme Court Mediation Centre. The payment of Rs.50,000/- in addition to the fine already imposed in the impugned order which we are confirming shall be made through the local police.

6. The appeal is allowed in part. Bail bonds, if any, stands discharged.

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

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

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

NEW DELHI;
28th FEBRUARY, 2024

ITEM NO.106

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

Criminal Appeal No(s). 1095/2013

H.R. ASHOK

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

Date : 28-02-2024 This appeal was called on for hearing today.

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

For Appellant(s) Mr. Shankar Divate, AOR

For Respondent(s) Mr. D. L. Chidananda, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed in part 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)