

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 222 OF 2014
(Arising out of S.L.P.(Crl.) No. 5543 of 2013)

STATE OF M.P. ... APPELLANT

VERSUS

OMKAR SINGH ...RESPONDENT

O R D E R

The appellant-State of Madhya Pradesh aggrieved by the inadequacy of the sentence has preferred this special leave petition.

Leave granted.

Respondent was put on trial for an offence under Section 304-A of the Indian Penal Code ("IPC" for short). The trial court held him guilty for the said offence and convicted him to suffer imprisonment for six months and a fine of Rs. 200/-. An appeal preferred by him against the aforesaid conviction and sentence had failed. He preferred revision against the judgment of conviction and sentence and assailed only the sentence. It was contended on behalf of the respondent before the High Court that he had remained in custody for eighteen days and suffered the ordeal of trial and appeal for long years and, therefore, the sentence be reduced to the period already undergone. The High Court acceded to the said prayer and reduced the sentence to the period already undergone by him. The State aggrieved by the inadequacy of the sentence is before us with the leave of the Court.

Mr. C.D. Singh, learned counsel appearing on behalf of the appellant-State, submits that in the facts of the present case, the High Court ought not to have reduced the sentence to the period already undergone by the respondent herein.

Having heard learned counsel on either side and in view of the facts and circumstances of the case, particularly the fact that the occurrence had taken place long back, we are not inclined to interfere with the substantive sentence reduced by the High Court. But in the peculiar facts and circumstances of the case, we are of the considered opinion that respondent should pay a sum of Rs. one lakh as compensation to the father of the deceased.

Learned counsel for the respondent has produced before us a Bank Draft, bearing No. 001248 dated 22.01.2014 drawn on Central Bank of India, for a sum of Rs. one lakh in the name of Mr. Kamla, father of the deceased.

The Registry of this Court is directed to accept the same and forward the said Bank draft to the trial court, i.e., Additional Chief Judicial Magistrate, Mungawali, District Guna, Madhya Pradesh, in Criminal Case No. 184 of 2001, who shall ensure that the bank draft is released in favour of the father of the deceased PW-2 without unnecessary delay.

Learned Magistrate shall forward a report to this Court after the bank draft is delivered to the father of the deceased.

In the result, we dispose of this appeal with the aforesaid

