

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

Petition(s) for Special Leave to Appeal (Crl.) No. 3458/2000

(From the judgement and order dated 16/03/2000 in CRLA 2214/80
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

BACHHU SINGH @ SURENDRA BABU & ORS.

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

(With Appln(s). for bail & impleading party)
(For Final Disposal)

Date : 06/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. G Krishnan, Sr. Adv.
Mr. K.L. Taneja, Adv.
Mr. Subodh Lalit, Adv.

For Respondent (s) Mr. Praveen Swarup, Adv.
Mr. Prashant Chaudhary, Adv. for
Mr. Pramod Swarup, Adv.

For Res.2 to 8 Mr. Ambhoj Kumar Sinha, Adv.

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

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Appln. of injured witnesses is granted.
Leave granted.

The appeal is allowed in terms of the signed order and the
appellants shall be released forthwith if not wanted in any other
case.

.SP1

(D.L. Chugh)
Court Master

(S. Malkani)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1090 OF 2000@@
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(Arising out of SLP(Crl) No.3458 of 2000)

Bachhu Singh @ Surendra Babu & Ors.Appellants

VERSUS

State of U.P.Respondent

O R D E R@@
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Application of injured witnesses is granted.
Leave granted.

This appeal is filed against the judgment and order passed by the High Court of Allahabad in Criminal Appeal No.2214 of 1980. By the impugned judgment and order the High Court partly allowed the appeals in respect of conviction and sentence under Sections 307 and 325 of the Indian Penal Code (for short IPC) and altered the same under Sections 324 and 323 read with Section 149 of IPC. The High Court rejected the prayer for giving the benefit of probation on the ground that they have deliberately taken the law and order in their hands and had inflicted injuries to the complainant as well as shattered the entire management of the marriage of the nephew of the complainant which was to take place on the next date of the occurrence.

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By the impugned order the High Court directed that accused Chhitarmal and Meghshyam will under one year RI under Section 147 IPC and the appellants Rajendra Singh (since deceased), Bachhu Singh @ Surendra Babu and Tej Pal will undergo two years RI under Section 148 IPC and also the accused-appellants will undergo two years RI under Section 324 IPC read with Section 149 IPC and six months RI under Section 323/149 IPC respectively. All the sentences were ordered to run concurrently.

At the time of hearing of the matter learned counsel for the accused-appellants have produced on record the compromise between the parties i.e. compromise between the accused and the complainant party. In the affidavit filed by the injured witness it has been stated that the incident took place in the year of 1979 and at present there is no enmity amongst the complainant i.e. injured and the accused persons and the family members of both sides are having cordial relations and, therefore, it is prayed that they may be permitted to compound the offence.

Learned counsel for the accused have also pointed that all the accused-appellants have already undergone the sentence for more than three months of RI and at present they are in jail.

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Considering the facts and circumstances of the case including the fact that incident took place in the year 1979 and at present parties are having cordial relations and have settled their dispute, in our view, this would be a fit case for reducing the period of sentence to the period already undergone and we order accordingly. This appeal is allowed and the order of the High Court imposing sentence is modified accordingly. The appellants, who are in jail, shall be released forthwith if they are not wanted in connection of any other case.

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.....J.@@
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(M.B. SHAH)@@
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.....J.@@
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(RUMA PAL)@@
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New Delhi,
December 6, 2000