

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1499 OF 2012
(Arising out of SLP(Crl) No.8962 of 2010)

SANJAY SOLANKI

Appellant

VERSUS

BHERU LAL & ORS.

Respondents

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal by special leave is filed by the appellant/complainant, being aggrieved by the judgment and order passed by the High Court of Judicature of Madhya Pradesh at Indore in Criminal Appeal No. 859 of 2007 dated 06.07.2009. By the impugned judgment and order, the High Court, while confirming the orders passed by the learned Additional Sessions Judge, Ratlam in Sessions Trial No. 78/2006 dated 11.07.2007, has modified the sentence awarded to the period already undergone by the accused persons. .

4. A report dated 17.04.2006 was filed by the appellant-complainant, inter alia, alleging offence punishable under Sections 307, 452, 323, read with Section 34 of the Indian Penal Code ("IPC" for short). Based on the said report, investigation had been carried out by the investigating agency and thereafter a charge sheet had been filed against accused persons under Sections 307, 452, 323, 325 read with Section 34 of theh IPC before the learned Chief Judicial Magistrate, Ratlam. The learned Magistrate had committed the case to the Court of learned Additional Sessions Judge, Ratlam for trial.

5. The learned Additional Sessions Judge, after appreciating the prosecution case was pleased to pass a judgment and order convicting and sentencing the five accused persons for offence punishable under Sections 323, 325, 326 read with 34 of the IPC and sentenced them to undergo rigorous imprisonment for a Period of three years (for 4 accused persons) and 3 months (for the fifth accused person) with fine.

6. Being aggrieved by the said order, the accused persons were before the High Court by filing an appeal under Section 374(2) of the Code of Criminal Procedure, 1973 ("Code" for short). The High Court, as we have already noticed, while concurring with the conclusion reached by the learned Additional Sessions Judge, has thought it fit to modify the sentence awarded by the Trial Court to the period already undergone, subject to accused persons depositing a total sum of Rs.60,000/-, out of which a sum of Rs.20,000/- was payable to Mr. Rajeev (brother of the complainant), another sum of Rs.20,000/- to Mr. Sanjay (the complainant) and a sum of Rs.10,000/- each to be payable to Smt. Shakuntala (mother of the complainant) and Smt. Sangita (wife of the complainant), respectively, as compensation within a time frame of two months and in default to undergo imprisonment as awarded by the Trial Court. Being aggrieved by the order modifying the sentence, the appellant-complainant is before us in this appeal.

7. We have heard Mr. Shiv Kumar Suri, learned counsel for the appellant and Mr. Gaurav Teotia, learned counsel for the respondents. We have carefully perused the reasons assigned by the High Court, while modifying the sentence awarded by the learned Additional Sessions Judge. We are of the opinion that the High Court has not committed any error in modifying the sentence awarded to the accused persons, except the compensation ordered to be paid to the complainant and others. Therefore, we are of the view that compensation amount ordered by the High Court requires to be enhanced and ordered to be paid to the complainant/appellant and others. Accordingly, we enhance the amount of compensation to a sum of

(NAVEEN KUMAR)
COURT MASTER

(VINOD KULVI)
COURT MASTER

(Signed order is placed on the file)