

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 438 OF 2011**

Ramphal

Appellant

VERSUS

State of Haryana & Anr.

Respondents

With

CRIMINAL APPEAL NO. 439 OF 2011

Sanjay

Appellant

VERSUS

State of Haryana

Respondent

O R D E R

Notice was issued in these appeals on the limited question of sentence and to verify as to whether the appellants are in a position to pay compensation.

It is brought to our notice that during the pendency of the appeals, both the appellants have paid Rs. 1.5 lakhs each in favour of the prosecutrix and she has accepted the same willingly for getting the matter compromised. However, it is imperative to emphasise that

we do not accept such compromise in matters relating to the offence of rape and similar cases of sexual assault. Hence the aforesaid compromise is of no relevance in deciding this matter.

On merits, we do not find any ground to interfere inasmuch as the evidence of the prosecutrix is coupled with the medical evidence which clearly proves that the offence of rape has been committed. Therefore, the Trial Court and the High Court have rightly convicted the accused/appellants.

However, having heard Mr. Jayant Bhushan, learned senior counsel for the appellants/accused appearing through the Supreme Court Legal Services Committee and upon our own independent examination of the case record, we propose to reduce the sentence of imprisonment. Accordingly, the following order is made:

The appellants are sentenced to undergo actual imprisonment for six years and to pay an additional fine of Rs. 1.5 lakhs each. In default of payment of fine, the appellants shall undergo further actual imprisonment for two years. We further direct that the entire amount so payable i.e. Rs. 3 lakhs shall be disbursed in favour of the victim as compensation under Section 357 of the

Criminal Procedure Code. This compensation is recoverable notwithstanding the payment of Rs. 1.5 lakhs each already made by the appellants to the victim.

The appeals are disposed of accordingly.

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[KRISHNA MURARI]

NEW DELHI;
NOVEMBER 27, 2019

ITEM NO.107

COURT NO.13

SECTION II-B

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). 438/2011

RAMPHAL

Appellant(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

WITH

Cr1.A. No. 439/2011 (II-B)

Date : 27-11-2019 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE KRISHNA MURARI

For Appellant(s) Mr. Mohit Chaudhary, Adv.
Mr. Kunal Sachdeva, Adv.
Ms. Puja Sharma, AOR
Mr. Anup Kumar Sharma, Adv.
Mr. Balwinder Singh Suri, Adv.
Ms. Garima Sharma, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Ms. Amartya Bhushan, Adv.
Ms. Minakshi Vij, AOR

For Respondent(s) Mr. Devender Kumar Saini, AAG
Dr. Monika Gusain, AOR

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

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)