

ITEM NO.5

COURT NO.2

SECTION IIA

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4620/2013

(Arising out of impugned final judgment and order dated 06/11/2012 in CRLR No. 40/2007 passed by the High Court Of M.p At Gwalior)

STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

SAHIB SINGH

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 16/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. C. D. Singh, Adv.
Mr. Darpan Bhuyan, Adv.

For Respondent(s) Mr. Javed Mahmud Rao, Adv.
Mr. Shahid Ali Rao, Adv.
Mr. Nand Ram, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(Veena Khera)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1225 OF 2015
(Arising out of SLP(Crl.) No. 4620 of 2013)

STATE OF MADHYA PRADESH ... Appellant(s)

Versus

SAHIB SINGH ... Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an Order dated 06.11.2012 passed by the High Court of Madhya Pradesh at Gwalior whereby Criminal Revision No. 40 of 2007 filed by the respondent has been allowed in part and while affirming his conviction for an offence punishable under Section 326, the High Court has reduced the sentence awarded to the respondent from imprisonment for a period of two years to 107 days already undergone by him.

The respondent and four others were tried and convicted for offences punishable under Sections 323 and 326 read with 34 of the Indian Penal Code. The Trial Court sentenced all of them to rigorous imprisonment for

a period of two years under Section 326 besides a fine of Rs. 1,000/-. In default of payment of fine, they were directed to undergo further imprisonment of one month. For the offence punishable under Section 323, they were sentenced to undergo rigorous imprisonment for a period of three months besides a fine amount of Rs. 200/- each and in default of payment of fine to undergo further imprisonment for a period of one month on that count.

In appeal, the conviction and sentence awarded to the accused persons was modified by the Sessions Judge to the effect that while the conviction of the respondent herein was upheld for the offence punishable under Section 326, the conviction of the remaining accused persons was modified and confined to Section 323 read with Section 34, IPC only. The appellate Court did not however interfere with the sentence awarded to the accused persons for the offence punishable under Section 326, IPC.

The respondent then appears to have preferred Criminal Revision No. 48 of 2007 before the High Court of Madhya Pradesh at Gwalior which revision has been partly allowed by the High Court in terms of the impugned order. The High Court has by a brief order reduced the sentence awarded to the respondent to a period of 107 days already undergone by him. The present appeal as

noticed earlier questions the correctness of the said order. We have heard learned counsel for the parties at some length. The incident took place as early as in the year 2002. The trial took nearly five years to conclude whereafter the appeal and revisions travelled to the High Court to be finally heard and disposed of in November, 2012. The respondent is reported to a labourer by profession with no criminal antecedents. In the circumstances and keeping in view the nature of the injuries sustained by the victim, we are inclined to modify the sentence awarded to the appellant. We are of the view that interests of justice would be sufficiently served if instead of committing the respondent to jail at this distant point of time and keeping the fine imposed by the Trial Court as affirmed by the High Court could be enhanced to Rs. 30,000/- and the amount so deposited paid towards compensation to the victim of the assault.

We accordingly allow this appeal but only in part and to the extent that the the amount of fine imposed by the courts below shall stand enhanced by Rs. 30,000/- which amount shall upon deposit be disbursed to the victim of the assault. In the event of non-payment of the fine by the respondent within a period of three months from today, the respondent shall undergo imprisonment for a

further period of six months. The appeal is with the above direction disposed of.

.....J.
(T.S.THAKUR)

.....J.
(KURIAN JOSEPH)

New Delhi,
Date: 16th September, 2015.