

Laxman vs The State Of Madhya Pradesh on 14 January, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.94/2020
[@ SLP [CRL.] NO.4460/2018]

LAXMAN & ORS.

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties. The injured person was impleaded as respondent No.2 but has chosen not to appear. Learned counsel for parties have taken us through the record.

One of the main assailants, one Atibal, who had caused the injury below the left eye with Gadasi has already passed away. The incident is of October, 1989. The appellants have been asked to suffer a sentence of one year and six months, to run concurrently out of which they have already undergone sentence of two months and eight days.

The question before us is whether after such a long period of time, it would be appropriate for the appellants to serve the remaining sentence or whether a more appropriate remedy would be to compensate respondent No.2 with adequate amount. Learned counsel for the appellant(s) has invited our attention to a recent order passed in Mohinder Singh v. State of Haryana being Criminal Appeal No.1428/2012 decided on 18.06.2019 in a similar factual scenario where the conviction was under Sections 324 and 326 of the Indian Penal Code and this Court opined that instead of sending the accused back to custody after a quarter of a century, the ends of justice would be served by enhancing the fine from Rs.4,000/- to Rs.24,000/- and the said amount be paid as compensation to the victim under Section 357 of the Code of Criminal Procedure, 1973.

We are inclined to follow the same course of action to grant enhanced amount of compensation to the respondent No.2. Learned counsel for the appellant(s) after having obtained instructions agrees to the appellant(s) paying a fine of Rs.50,000/- per appellant amounting to Rs.2,50,000/- in total. The amount of Rs.1 lakh is already deposited with this Court.

We are also informed that there have been no aggravated incident over the last almost 30 years.

In view of the aforesaid facts and circumstances, we modify the sentence to the period already undergone and enhance the amount of fine to Rs.50,000/- for each of the appellants totaling to Rs.2,50,000/-. The balance amount of Rs.1 lakh 50 thousand be deposited with the Chief Judicial Magistrate, Sheopur, District Sheopur, Madhya Pradesh within eight weeks as prayed for and the amount deposited in this Court with interest accrued thereon, if any, be also transferred to the concerned Court of the Chief Judicial Magistrate for both the amounts to be released by the Chief Judicial Magistrate to respondent No.2 after due identification as compensation to the victim under Section 357 of the Code of Criminal Procedure, 1973.

The appeal is allowed to the aforesaid extent leaving the parties to bear their own costs.

A copy of this order be sent to both the respondent No.2 and the Chief Judicial Magistrate, Sheopur, District Sheopur, Madhya Pradesh.

.....J. [SANJAY KISHAN KAUL]J. [K.M. JOSEPH] NEW DELHI;

JANUARY 14, 2020.

ITEM NO.4

COURT NO.12

SECTION II-A

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(s).4460/2018

(Arising out of impugned final judgment and order dated 07-03-2018 in CRR No.253/2005 passed by the High Court of M.P. at Gwalior) LAXMAN & ORS. Appellant(s) VERSUS THE STATE OF MADHYA PRADESH & ANR. Respondent(s) Date : 14-01-2020 This appeal was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE K.M. JOSEPH For Appellant(s) Mr. Prashant Shukla, Adv.

Mr. Purvish Jitendra Malkan, Adv. Ms. Anushree Shukla, Adv.

Mr. Arsh Dhanotia, Adv.

Ms. Pratibha Yadav, Adv.

Ms. Sukriti Bhardwaj, Adv. Mr. Pashupathi Nath Razdan, AOR For Respondent(s)
Mr. Varun K. Chopra, Dy. Adv.Gen Mr. Gurtej Pal Singh, Adv.

Mr. Harsh Parashar, AOR UPON hearing the counsel the Court made the following O
R D E R Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]