

Ramji Lal And Anr. vs State Of Haryana on 6 December, 1982

Equivalent citations: 1982(2)SCALE1362, (1983)1SCC368, AIRONLINE 1982 SC 72

Bench: D.A. Desai, R.B. Misra

ORDER

1. Special leave is granted.

2. Appellant original accused No. 2 and 3 were convicted for an offence under Section 325 read with Section 34 of the I.P.C. and each of them was sentenced to R. I. for 12 years and to pay a fine of Rs. 200/- in default to undergo R.I. for three months. Both of them were also convicted for an offence under Section 324 read with Section 34 I.P.C. and each of them is sentenced to suffer R.I. for one year. Both of them are further convicted for an offence under Section 323 read with Section 34 I.P.C. and each of them is sentenced to suffer R.I. for six months. Substantive sentences are directed to run concurrently. Original No. 1 was given the benefit of the provisions of Probation of Offenders Act and he was ordered to execute a bond for a period of two years to be of good behaviour. That period has long since expired.

3. When the special leave was taken up for hearing today, Dr. Chauhan, appeared for the appellants and Mr. B.B. Singh, learned Counsel appeared for the original injured complainant. Both drew our attention to an affidavit dated November 11, 1982 filed by the original injured complainant, Nasib Singh, in which he has stated that he has entered into composition and that has been done voluntarily and that even though he was offered compensation he declined to accept the same. He stated that the composition was brought about by the intervention of friends and well-wishers to restore friendly and good neighbourly relations with the accused.

4. We had considerable hesitation in accepting the genuineness of this composition. More so because the approach of the injured, who 25 has suffered as many as 19 injuries, two of which are certified as grievous, to enter into composition without accepting the monetary compensation. Dr. Chauhan, for his client offered Rs. 2000/- by way of compensation. But Mr. Singh, told us that his instructions are not to accept the same and the same was not considered necessary for the purpose of composition. This added to our apprehension and we discussed the matter for some time. Ultimately, we were assured that there is nothing hanky panky about the composition.

5. All the offences for which the appellants are convicted are compoundable and the composition can be entered into with the permission of the Court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the composition. We grant permission to enter into the composition and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail bonds will be cancelled. If they are in jail, they

will be released from the jail forthwith.