

Supreme Court of India

Bhupendra Singh vs State Of Madhya Pradesh on 17 December, 1980

Equivalent citations: AIR 1981 SC 1240, 1981 CriLJ 751, 1980 Supp (1) SCC 352

Author: Y Chandrachud

Bench: Y Chandrachud, D Desai

JUDGMENT Y.V. Chandrachud, J.

1. In both these appeals special leave was granted limited to the question of nature of offence and sentence.

2. The learned First Addl. Sessions Judge, Bhopal in Sessions Trial No. 163/74 convicted appellant Bhupendra Singh (original accused 1) for having committed an offence under Section 324, I.P.C. and appellants in the connected Criminal Appeal (original accused 2-5) were convicted in the same trial for having committed an offence under Section 324 read with Section 149, I.P.C. On the question of sentence the learned trial Judge observed that, all the accused persons belonged to age group of 19-20 years and at the time of the offence they were studying in a college. After taking into consideration the circumstances attendant upon the commission of the offence the learned Judge came to the conclusion that this was a fit case in which the benefit of the provisions of Probation of Offenders Act should be given to the accused with the condition that accused Bhupendra Singh should pay Rs. 250/- to injured P.W. 4 Subhash Sharma and Rs. 200/- to injured P.W. 1 Arun Sharma as and by way of compensation. A further direction was given that the remaining accused shall pay a flat sum of Rs. 100/- each by way of compensation to be shared equally by both the injured witnesses. It may be mentioned that all these accused were acquitted of the charge under Section 307 and Section 307 read with Section 149, I.P.C.

3. The State of Madhya Pradesh feeling aggrieved by the order of acquittal for the offence under Section 307 and Section 307 read with Section 149, I.P.C., preferred Criminal Appeal No. 430/75 to the High Court of Madhya Pradesh at Jabalpur. The High Court allowed the appeal and convicted the accused Bhupendra Singh for having committed an offence under Section 307, I.P.C. and sentenced him to suffer rigorous imprisonment for one year and to pay a fine of Rs. 1,000/-. The High Court also allowed the appeal against rest of the accused and convicted each one of them under Section 307 read with Section 149, I.P.C. and sentenced them to suffer imprisonment till the rising of the Court and a fine of Rs. 2,000/- each. A direction was given that if the fine was realised an amount of Rs. 3,000/- be paid as compensation to injured P.W. 4 Subhash Sharma and Rs. 2,000/- to injured P.W. 1 Arun Sharma.

4. Having heard counsel on both sides and having regard to all the circumstances of the case, the trivial nature of the quarrel, the circumstances leading to the commission of the offence, the fact that the injured and the accused were all young students studying in college and keeping in view the nature of injury, we are of the opinion that the learned Additional Sessions Judge was right in convicting the appellant for an offence under Section 324 and Section 324 read with Section 149, I.P.C. Accordingly we alter the conviction of the appellants to one under Section 324, I.P.C.

5. We are happy to record that the injured and the appellants have amicably settled their dispute and we were assured that happy relationship will be established in the student community. For these reasons we grant permission to compound the offence and accept the composition as per the terms set out in the consent praecipe filed today. In view of the composition both the appeals are allowed and the conviction and sentence of the appellants are set aside with the direction that out of the fine paid by the appellants, after deducting the amount of Rs. 3,000/- already paid to the injured, the balance may be paid over to the injured P.W. 1 Arun Sharma and P.W. 4 Subhash Sharma to be equally divided between them.