

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.543 OF 2020

[Arising out of SLP (Criminal) No. 2040 of 2020]

Karthick & Ors.

.. Appellants

Versus

The State represented by Inspector of Police,
Kancheepuram District, Tamil Nadu

.. Respondent

J U D G M E N T

M. R. Shah, J.

Leave granted.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 24.04.2019 passed by the High Court of Judicature at Madras in Criminal Revision Case No. 118 of 2012 by which the High Court has dismissed the said revision application and has confirmed the judgment and order passed by the learned Trial Court convicting the appellant herein – original accused for

the offences under Sections 147, 323, 325, 323 read with 149 and 325 read with 149 IPC, the original accused have preferred the present appeal.

3. At the outset, it is required to be noted that vide order dated 24.02.2020 this Court found no ground to interfere with the judgment of conviction. However, it was ordered to issue notice only on quantum of sentence. Therefore, now the quantum of sentence only is required to be considered by this Court.

4. As per the judgment and order passed by the learned Trial Court, the maximum sentence to be undergone by the appellants-accused is one year S.I. The learned Trial Court also passed the order that out of the total amount of fine of Rs.30,000/-, Rs.10,000/- is to be given to the grievously injured person- Saravanan (P.W.3) by way of compensation.

5. Learned counsel appearing on behalf of the accused has stated that, by now, the accused have undergone sentence of approximately six months. It is submitted that there was a delay of 12 days in lodging the FIR; that the injuries were very minor

injuries and P.W.3 had a minor fracture on the finger; that the incident had occurred all of a sudden for plucking the Jamun and there was no intention to cause the injuries. Therefore, it is prayed to reduce the sentence to the period already undergone.

6. Learned counsel appearing on behalf of the State, while opposing the prayer to reduce the sentence, has vehemently submitted that as observed by the learned Trial Court and the findings confirmed by the High Court, the injuries were grievous injuries and therefore no sympathy should be shown to the accused persons.

7. Having heard the learned counsel appearing on behalf of the respective parties and, in the facts and circumstances of the case, more particularly, considering the fact that at the time of incident, the accused persons were aged between 21 and 23 years and the incident had taken place all of a sudden and the cause was plucking the Blackberries (Jamuns). P.W.3, as per the medical evidence, sustained a fracture on the finger and other suffered light

injuries. By now, all the accused persons have undergone the sentence for approximately six months. The maximum sentence to be undergone as per the judgment and order passed by the learned Trial Court and confirmed by the High Court shall be for one year S.I. Therefore, if the sentence is reduced to the period already undergone and the compensation awarded to P.W.3 who sustained grievous injuries is further enhanced by Rs.25,000/-, it will meet the ends of justice.

8. In view of the above and for the reasons stated above, the present appeal is allowed in part. The conviction of the accused for the offences under Sections 147, 323, 325, 323 read with 149 and 325 read with 149 IPC is hereby confirmed. However, the sentence imposed by the learned Trial Court and confirmed by the High Court is hereby modified and reduced to the period already undergone and the amount of compensation to be paid to P.W.3– Sarvanan is further enhanced by Rs.25,000/- and the same shall be paid to P.W.3 within a period of six weeks from today. The

learned Trial Court is directed to ensure that the enhanced amount of compensation i.e. Rs.25,000/- is paid to P.W.3–Saravanan by the accused persons as per the present order.

.....J.
[R. SUBHASH REDDY]

.....J.
[M. R. SHAH]

New Delhi;
August 26, 2020