

Paramlal @ Parma and ors. Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : Nov-23-2012

Appellant : Paramlal @ Parma and ors.

Respondent : The State of M.P.

Judgement :

HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT AT JABALPUR
Criminal Appeal No.1583/1997 Paramlal @ Param & 2 Others versus The State of
Madhya Pradesh Counsel for the appellants : Shri L.N.Sakle, Advocate.

Counsel for the resp./State : Shri Swapnil Gangully, Panel Lawyer.

Present : Honble Mr.Justice Alok Aradhe

JUDGMENT

(23.11.2012) The appellants No.1 and 2 have been convicted under Section 324 /34 of the Indian Penal Code and have been sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.2,000/- each and in default of payment of amount of fine simple imprisonment for a period of six months.

The appellant No.3 has been convicted under Section 324 of the Indian Penal Code and has been sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.2,000/- and in default of payment of fine simple imprisonment for a period of six months by the impugned judgment dated

28.7.1997 passed by Additional Sessions Judge, Begumganj in Sessions Trial No.65/1992.

2 Cr.A.No.1583/1997 2.

The prosecution case is that on 29.1.1990 victim Battulal went to his field, where he found that accused persons were cutting the crops sown by him, thereupon the victim lodged the protest and the quarrel ensued between the accused persons and the victim.

The accused persons with a common intention to cause injury to the victim, assaulted the victim.

The police after completion of the investigation filed charge-sheet for offences under Sections 149, 307/149 of the Indian Penal Code.

The trial Court on the basis of the evidence adduced by the prosecution, acquitted two accused persons however, the appellants were convicted as aforesaid.

3. Learned counsel for the appellants submits that he is not challenging the findings recorded by the trial Court so far as it relates to causing of grievous injury by the appellants to the complainant namely Battulal.

It is further submitted by the learned counsel for the appellants that the incident took place 21 years ago and there is no material on record that the appellants are habitual offenders. The only question which arises for consideration in the appeal is as to what sentence should be awarded to the appellants to meet ends of justice.

4. The appellants are agricultural labourers and there is no material on record to suggest that they have any criminal background.

The incident had taken place 3 Cr.A.No.1583/1997 about 21 years ago on the spur of the moment.

The appellants have remained in jail for a period of 14 days.

On due consideration of facts and circumstances of the case and taking into account the period which has elapsed, no useful purpose would be served in sending appellants back to jail again, I therefore, set aside the sentence awarded to the appellants and instead award the sentence to the period of imprisonment already undergone by the appellants.

However, the appellants shall deposit the amount of fine of Rs.4,000/- each within a period of three months from the date of receipt of certified copy of the judgment passed today.

In case, the appellants fail to deposit the amount of fine, the appellants shall undergo rigorous imprisonment for a period of 4 months.

In case, the amount of fine is deposited by the appellants, the same shall be paid by way of compensation to the victim namely Battulal.

5. With the aforesaid modification in the sentence, the appeal is partly allowed.

(Alok Aradhe) Judge RC

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