

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. REVISION APPLICATION NO. 157 OF 2015

Salim Nasir Sheikh

... Applicant.
(Org.Accused No.1)

V/s.

The State of Maharashtra

... Respondent.

Mr. Niranjan S. Mundargi i/by Omkar P. Mulekar, Advocate for
the Applicant.

Mr. Rajesh More, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 09th JULY, 2015

P.C. :

1 Heard learned advocate Mr. Niranjan Mundargi for
the applicant and the learned APP for the State.

2 The applicant has been convicted for the offence
punishable under section 326 of the Indian Penal Code and
sentenced to suffer imprisonment for one year and to pay fine
of Rs.50,000/-. The fine amount was directed to be paid to the
injured PW-4 - Sacchidanand Mishra. During the course of
hearing, it was noticed that three other accused were acquitted
of the said charge by the trial court. The conviction of the
applicant has been maintained by the appellate court also.

3 Learned counsel Mr. Mundargi for the applicant has submitted that the applicant has remained in custody for about 45 days. He was 23 years old at the time of the incident and now he is 40 years old. He has got two children and he is in real estate business. It is submitted by Mr. Mundargi that the purpose of justice will be served if this court enhances the fine amount and maintains the sentence already undergone by the applicant.

4 I have gone through the evidence of PW-4. His evidence that a sword blow was inflicted on his head has remained unshattered and, therefore, the prosecution had been able to establish that a sharp weapon was used and a grievous hurt (fracture) was caused to PW-4. As such conviction of the applicant will have to be maintained. However, I accept the contention of the learned advocate Mr. Mundargi that an increase in the fine amount, which will be paid to the PW-4, will serve the ends of justice and hence, I pass the following order :

- i. The revision application is partly allowed.
- ii. The conviction of the applicant for the offence punishable under section 326 is maintained. He is sentenced to suffer imprisonment for the period already undergone by him and to pay fine of Rs. One lakh.

iii. The amount of fine paid by the applicant shall be paid to PW-4 by way of compensation. I am told that the applicant has already paid Rs. 50,000/- in the trial court to the applicant. The applicant is directed to pay Rs. 50,000/- more in the trial court within a period of one week.

iv. As soon as the amount of Rs.50,000/- is deposited by the applicant in the trial court, it shall be intimated to the PW-4 that he is entitled for compensation and that he should appear before the court for collecting the compensation amount.

v. Bail bond of the applicant stands cancelled.

5 The revision application stands disposed of accordingly.

The trial court shall act on an authenticated copy of this order.

(JUDGE)

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