

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.313 OF 2015

Abdul Karim Sameddin Choudhary

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal for the Applicant.

Mr. Ajay S. Patil, APP for Respondent-State.

CORAM:-M.L. TAHALIYANI, J.

DATED :16th JULY, 2015.

P.C.

Admit. Heard finally.

2. The Applicant was tried by the Assistant Sessions Judge, Greater Bombay alongwith three others for the offences punishable under sections 307 and 506 (ii) r/w. section 34 of the IPC. The Applicant was accused No.4 in Sessions Case No.599 of 2011. Accused Nos.1, 2 and 3 were acquitted. The Applicant also has been acquitted of the offence punishable under section 307 of the IPC. However, he has been convicted by the Assistant Sessions Judge for the offence punishable under section 326 of the IPC and has been sentenced to suffer R.I. for two years and to pay a fine amount of

Rs.2,000/-. In all there are four accused persons. Three of them have been acquitted. The Applicant is the assailant who had caused grievous hurt to the victim - P.W.-1.

3. Appeal filed by the Applicant has been dismissed by the Appellate Court. Learned counsel for the Applicant is heard by me. The Applicant himself is produced from prison. Learned counsel for the Applicant has submitted that the Applicant is a young boy and that if the period of jail sentence is reduced and if the fine amount is increased, the ends of justice will be served.

4. Learned APP Mr. Patil has submitted that if this Court is inclined to reduce the sentence, fine amount may be substantial and same may be directed to be paid to P.W.-1 by way of compensation.

5. In view of the submissions made by both the sides, I pass the following order :

6. Conviction of the Applicant for the offence punishable under section 326 of the IPC is maintained. The sentence of two years is reduced to the period already undergone by him. Fine amount of Rs.2,000/- is increased to Rs.52,000/-.

7. As such the Applicant shall undergo imprisonment for a period already undergone by him and to pay a fine of Rs.52,000/-, in default R.I. for a period of three months. The amount of Rs.50,000/- be given to P.W.-1-injured by way of compensation out of the fine amount of Rs.52,000/-, if paid by the Applicant. The trial court shall act on authenticated copy of this order.

8. The Trial Court shall intimate the P.W.-1 as soon as the fine amount is paid by the Applicant and shall further disburse the amount of Rs.50,000/- to P.W.-1 immediately.

9. The criminal revision application accordingly stands disposed of.

(JUDGE)