

(215^{3rd} case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA No. AD-15 of 2016 (O&M)

Date of decision 18.5.2016

Rajpal

.... Appellant

Versus

State of Haryana & Ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MR. JUSTICE GURMIT RAM.

Present: Mr. Keshav Pratap Singh, Advocate for the appellant.

S.S. Saron, J.

The CrI. Appeal has been filed by Rajpal, father of the deceased namely Gaurav claiming grant of adequate compensation to the appellant and for modifying the sentence that has been imposed on respondents No.2 to 7 to death sentence.

Proviso to Section 372 of the Code of Criminal Procedure ('Cr.P.C.' – for short) envisages that a 'victim' shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation.

In the present case, no compensation has been awarded. Therefore, it cannot be said to be inadequate.

In N.P. Ahammed v. Abdul Latheef and another, 2011 (104) AIC 500 it was held by the Hon'ble Kerala High Court that under Section 372 Cr.P.C. only quantum of compensation can be challenged and not omission to pay compensation.

As regards modifying the sentence from life imprisonment to death, it is to be noticed that the proviso to Section 372 Cr.P.C. does not provide for enhancement of sentence on an appeal by a 'victim'.

In the circumstances, learned counsel for the appellant prays that he may be allowed to withdraw the appeal so as to enable the appellant Rajpal file necessary application in terms of Section 357 Cr.P.C. in the pending appeal filed by respondents No.2 to 7.

The appeal is, accordingly, dismissed as withdrawn. The appellant may, if so advised, avail his other remedies in accordance with law.

(S.S. Saron)
Judge

(Gurmit Ram)
Judge

18.5.2016
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