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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 141/2002

DARA SINGH & ANR. Appellants
Through Mr.M.L. Yadav, Adv.

versus

THE STATE Respondent
Through Mr.Sudershan Joon, APP for the
State.
SI Krishan Gopal, PS Jaffar Pur
Kalan.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **22.02.2017**

1. The present appeal under Sections 374/380 of the Code of Criminal Procedure, has been filed against the order dated 2nd February, 2002 passed by the Additional Sessions Judge, New Delhi in a case arising out of FIR No.59/97 registered under Sections 308/325/34 of the Indian Penal Code at Police Station Jafar Kalan whereby the appellant no.1 was convicted under Section 325 IPC and sentenced to undergo rigorous imprisonment for two years while the appellant no.2 was convicted under Section 323 IPC and was sentenced to maintain peace and good behaviour for one year and pay a compensation of Rs.7,500/- to Smt.Lado.

2. The factual matrix emerging from the record is that on 12th

May, 1997, information was received by the Police Station J.P. Kalan to the effect that there was a fierce quarrel in House No.90, Pandwala Khurd, when SI Sudhir Kumar reached the spot and learnt that injured had been taken to Safderjung Hospital. Thereafter, SI Sudhir Kumar reached the Hospital where Shiv Narayan, his wife Santosh Lado & Murti were admitted. SI Sudhir Kumar also learnt that the injured Murti & Chaman Lal had already been discharged. Since Santosh was unable to give any statement due to body pain, she asked the investigating officer to make enquiry from her daughter Baby who told the IO that there was enmity between her father Shiv Narayan and Dara for the reason that his father was asked to give evidence against Dara in a theft case. Baby further told the IO that on the fateful day at about 5.00 a.m. her parents went to their plot where she herself also reached when Randhwa, Dara, Naresh & Vinod carrying lathis and rod, also reached the spot and Randhwa told her father 'Aaj teri Gawahi Achhi Tarah se nikas dete hain'. Baby in her statement further stated that thereafter Dara gave rod blow on the head of Santosh as a result of which she fell and when Shiv Narayan came to her rescue, Randhwa gave a lathi blow on his head. She further stated that she raised alarm and her grandmother Murti, her aunt Lado and her brother Chaman Lal reached the spot. She stated that thereafter Randhwa, Dara, Naresh & Vinod attacked other family persons by which Lado became unconscious while the others sustained injuries.

3. Learned counsel for the appellants has submitted that the FIR in the present case was registered as back as in 1997 i.e. nineteen years back and that appeal in the present case was preferred in 2002. It is

also submitted by learned counsel for the appellants that fine has already been paid in the present case.

4. Arguments advanced by learned counsel for the appellant on the quantum of sentence, have been heard.

5. It appears from the order dated 1st March, 2002, that the appellant no.1 was on interim bail upto that date and appellant no.2 had been allowed time to deposit the amount of compensation of Rs.7,500/- upto that date. Vide order dated 2nd April, 2002, It was recorded that amount of compensation of Rs.7,500/- had been deposited by appellant no.2 and that sentence of imprisonment awarded to the appellant no.1 was suspended on the terms noted in terms of the order dated 1st March, 2002. Vide order dated 17th May, 2002, the sentence of imprisonment awarded to the appellant no.1 was suspended which was made absolute vide order dated 2nd September, 2002.

6. The appellant no.2 was released on probation on his paying compensation of Rs.7,500/- to Smt. Lado and furnishing personal bond of peace and good conduct in the sum of Rs.10,000/-, which he has complied with.

7. So far as appellant no.1 Dara is concerned, he was sentenced to undergo rigorous imprisonment of two years.

8. Taking into consideration the facts and circumstances of the present case and the long pendency of the matter, the sentence imposed upon the appellant no.1 is reduced from two years to six months with fine of Rs.15,000/-. In default of payment of fine, the appellant shall further undergo the sentence of two months simple

imprisonment.

9. The appellant no.1 Dara is directed to surrender before the trial court concerned within a period of fifteen days to serve the remaining sentence of imprisonment.

10. With the above modification in the sentence of imprisonment, the present appeal is disposed of.

P.S.TEJI, J

FEBRUARY 22, 2017/aa