

731-5

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Reserved on: May 10, 2018

Date of decision: August 17, 2018

CRA-D-1464-DB of 2014 (O&M)

Sonia Goel

.....Appellant

Versus

Chandigarh Administration through Administrator
and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Bhupinder Singh Thind, Advocate for the appellant.

Mr. Rajiv Sharma, Addl. Public Prosecutor
for U.T., Chandigarh.

Ms. Baljit Mann, Advocate for respondent No.2.

Mr. J.S. Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate for respondent No.3.

Mr. Akshay Bhan, Senior Advocate with
Mr. Harpreet Multani, Advocate for respondents No.4 and 5.

A.B. CHAUDHARI, J

CRM No.28988 of 2014

Heard.

Application is allowed for the reasons stated therein. Delay of
359 days in filing the appeal, is condoned.

CRA-D-1464-DB of 2013 (O&M)

The present appeal was filed by the appellant-Sonia Goel, the
widow of Rajesh Goel, the deceased, seeking modification in the
judgment dated 04.07.2013 passed by the Sessions Judge, Chandigarh, in

Sessions case No.88 of 19.10.2007, to the extent of enhancement of sentence and compensation.

In support of the appeal, learned counsel for the appellant argued that the appellant-Sonia Goel has prayed for enhancement of sentence of respondents No.2 to 5, namely the sentence of death as the trial Court awarded them the sentence of life imprisonment. He submitted that the case at hand was the rarest of rare case and therefore, applying the decisions of the Apex Court, the sentence of death ought to be awarded to respondents No.2 to 5.

He then submitted that the appellant-Sonia Goel is entitled to the compensation as the compensation in the sum of ₹60,000/- does not at all commensurate with the loss suffered by the appellant-Sonia Goel. He submitted that the total amount of ₹60,000/- for four accused persons is ordered to be paid to the widow/appellant.

Per contra, learned counsel for the respondents vehemently opposed the appeal.

We have heard the learned counsel for the rival parties and we find that the total fine amount of ₹60,000/- to be paid to the appellant-widow by way of compensation, is less and does not meet the ends of justice. In other words, minimum amount of ₹1,00,000/- proportionately levied to the each accused would meet the ends of justice. The amount of ₹1,00,000/- shall be equally levied on respondents No.2 to 5 for being recovered and paid to the appellant-widow.

The prayer for enhancement of sentence of death will have to

be rejected in the light of the fact that we do not find the case at hand the rarest of rare case. We, therefore, reject the submission for enhancing the sentence to death. In the result, we make the following order:-

ORDER

- (i) **CRA-D-1464-DB of 2014** is disposed of;
- (ii) The prayer for enhancement of sentence to death to respondents No.2 to 5, is declined;
- (iii) The amount of compensation of ₹60,000/- awarded by the learned trial Court, is increased to ₹1,00,000/- leviable equally on accused/respondents No.2 to 5, to be paid to the appellant-widow.

(A.B. CHAUDHARI)
JUDGE

(B.S. WALIA)
JUDGE

August 17, 2018

mahavir

Whether speaking/ reasoned: **No**

Whether Reportable: **No**