

SANJAY KUMAR VS STATE OF HARYANA

Present: None for the parties.

Vide order dated 19.01.2015, revision petition filed by the petitioner/convict was partly allowed. The order qua award of compensation was upheld and the sentence of the petitioner was reduced to already undergone by him.

A perusal of the order sheets of this case shows that vide interim order dated 30.10.2006, the sentence of the petitioner was ordered to be suspended subject to the petitioner depositing an amount of Rs.50,000/-; for payment as compensation to the legal heirs of the deceased Manjit Singh, in the Court of Chief Judicial Magistrate, Sonapat.

Thereafter, an application was filed seeking modification of the order dated 30.10.2006. However, vide order dated 09.11.2006, the same was rejected by this Court. A perusal of the further order dated 23.01.2007 shows that the petitioner had stated before this Court that the abovesaid amount of Rs.50,000/- has been deposited by the petitioner and that the petitioner had since been released on bail.

Normally, this should have put an end to the matter regarding deposit of the amount of Rs.50,000/- by the petitioner. However, while finally deciding the revision petition, it was ordered by this Court that the Chief Judicial Magistrate, Sonapat shall send a report to this Court; within a period of two months; with regard to the fact whether the petitioner had actually deposited at Rs.50,000/- towards compensation and whether the amount has been released to the legal heirs of the deceased.

The office noting, on administrative side, placed along with judicial file of this case shows that due to negligence of the dealing staff of the High Court, after passing of the specified period of two months, the matter could not be put up before the Court, as to whether any report has been received from the Chief Judicial Magistrate, Sonapat or not. As per the office note put up now, till date, no report has been received from the Chief Judicial Magistrate, Sonapat qua the above said matter. Accordingly, the case has been put up today on judicial side for favourable orders.

Although this was an administrative matter only and the office should have dealt with this aspect on an administrative side till report comes saying that money has not been deposited, however, since matter has now been put up before the Court, therefore, it would be appropriate to direct the Chief Judicial Magistrate, Sonapat, again, to send a report with regard to the deposit of an amount of Rs.50,000/- and qua disbursal of the same to the injured/complainant, as per order dated 19.01.2015.

Let the report be submitted by the Chief Judicial Magistrate, Sonapat within four weeks from today; to the Registrar, Punjab and Haryana High Court, Chandigarh. It is further clarified that if the report so sent by the Chief Judicial Magistrate, Sonapat, says that money has been deposited, then, no further orders would be required from the Court. It should be put up before the Court only if the report comes that the money is not deposited by the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

24.09.2018
Hemlata