

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 467 of 2016

1. Dhanuk, S/o Late Shri Dayal Satnami, Aged About 67 Years.
2. Saheb Das, S/o Late Shri Dayal Satnami, Aged About 61 Years.
Both are R/o Village Magarda, P.S. Kawardha, District-
Kabirdham (Kawardha) (C.G.)

--- Petitioners

Versus

1. State of Chhattisgarh, Through- Secretary, Department of Home,
New Mantralaya, P.S.- Mandir Hasaud, Naya Raipur, District-
Raipur (C.G.)
2. The Superintendent of Police, Kawardha, District- Kabirdham
(C.G.)

--- Respondents

For Petitioners	:	Mr. Ajit Singh, Advocate.
For State/ respondents	:	Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

13/07/2021

1. Learned counsel for the petitioners submits that during pendency of this petition, petitioner No. 2 namely Saheb Das expired and petitioner No. 1 is now 80 years old person.
2. The Court vide order dated 14.07.2010 passed the following order:-

“7. In view of the above, the appeal is partly allowed. Conviction part of the impugned judgment is maintained. As the appellants are reported to have remained in jail for about one month, if the peculiar facts & circumstances of the case, their sentence is reduced to the period already undergone by them. In lieu thereof, as per the provision of Section 357 of the Code of Criminal Procedure appellants shall pay a compensation of Rs. 10,000/- to each of the victims namely Rajaram (PW-1) & Mana Bai (PW-2-) in addition to the fine as has been imposed by the trial court within five months from the date of receipt

of copy of this order. Failure, in doing so, would make the appellants to be inside the jail for a period of six months rigorous imprisonment. ”

3. The order-sheet of trial court would clearly show that in view of the bail granted by the High Court, they were regularly attending the trial court i.e. Chief Judicial Magistrate, Rajnandgaon on every occasion even after passing of the final order by this Court on 14.07.2010. The petitioners have appeared before the trial court on 25.08.2010, 29.10.2010, 27.01.2011 & 18.05.2011 and on every occasion, thereafter the proceeding was kept in abeyance waiting order of this Court.
4. Though, the order was passed by this Court on 14.07.2010, there is miscommunication between the petitioner and his counsel and the petitioners were attending before the trial court. The trial court first time observed on 22.06.2015 that the order has been passed on 14.07.2010, in the meantime, the time granted by this Court was already expired. From the records, it does not seem to be deliberate action on the part of the petitioner, but it is total miscommunication between the petitioner and his counsel.
5. Considering the submissions as well as the facts of the case that the petitioner No. 2 has already been expired, petitioner No. 1 appears to 80 years of old, as such, no fruitful purpose will be served in sending petitioner No. 1 jail, therefore, in the interest of justice, petitioner No. 1 is directed to deposit the amount of compensation as ordered by this Court on 14.07.2010 in paragraph 7 of its judgment, within a period of 45 days from the date of receipt of copy of this Court, failing which, the petitioner No. 1 will liable to be undergo for jail for a period of three months.
6. With these observations and directions, this petition stands disposed of.

Sd/-
(Narendra Kumar Vyas)
Judge