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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12.11.2024**+ **CRL.A. 658/2009**

BAL KISHAN & ORS.

.....Appellants

Through: Mr. Naipal Singh, Advocate
with Appellant no. 2 to 4.

versus

STATE

.....Respondent

Through: Mr. Satish Kumar, APP for the
State with SI K.P. Singh, P.S.
New Ashok Nagar.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J. (ORAL)**

1. The instant appeal under Section 373(1) of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 11 of the Probation of Offenders Act, 1958 has been filed on behalf of appellants seeking setting aside of the judgment of conviction dated 08.04.2009 and order on sentence dated 11.07.2009 passed by the learned Additional Sessions Judge-04 (East), Karkardooma Courts, Delhi in Session Case No. 38/08, arising out of FIR No. 148/2002 registered for the offences punishable under Sections



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341/323/325/308/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station (P.S.) New Ashok Nagar, Delhi.

2. Briefly stated, the facts of the case are that on 17.05.2002, an information was received at P.S. New Ashok Nagar regarding a quarrel. Upon reaching the spot, the police found that injured/victim had been shifted to LBS Hospital. MLC of the victim was collected by the Investigating Officer (IO) and his statement was also recorded. On the basis of the said statement, the present FIR was registered. After completion of the investigation, chargesheet was filed and charges against the appellants were framed.

3. On the basis of the evidence and material collected during investigation, the learned Trial Court *vide* impugned judgment dated 10.02.2009, convicted the appellants under Sections 323/34 of IPC and ordered them to be released on probation for a period of one year, on furnishing a bond of probation in the sum of Rs. 10,000/- each with one surety in the like amount, to keep peace and maintain good behaviour, and also ordered them to collectively pay and deposit a total sum of Rs. 25,000/- which was to be paid to the victim as compensation.

4. Aggrieved by the aforesaid impugned judgment of conviction and order on sentence, the present appeal had been preferred on behalf of the appellants. This appeal was admitted *vide* order dated 17.05.2010.

5. Learned counsel appearing on behalf of the appellants submits that the appellants are not pressing the present appeal on its merits. It is also stated that the appellants herein have already been released on



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probation. He, however, prays that this Court may take a lenient view as far as the compensation which was directed to be collectively paid to the injured person, is concerned.

6. Learned APP for the State submits that the learned Trial Court has already taken a lenient view in the present case.

7. This Court has given its thoughtful consideration to the order on sentence passed by the learned Trial Court. It is noted that the learned Trial Court has already been lenient towards the appellants and had ordered that the appellants be released on probation for one year. Learned Trial Court had further directed the appellants to collectively pay or deposit a total sum of Rs. 25,000/- as compensation, payable to the victim.

8. This Court also takes note of the fact that no fine was imposed on the present appellants and only compensation has been ordered to be paid. Moreover, the period of one year of probation has already been expired and no other criminal cases are pending against the present appellants. One of the appellants i.e. Bal Kishan has also unfortunately passed away.

9. In view of the aforesaid, it is directed that the compensation will remain intact, and the same shall be deposited with the learned Trial Court by the appellants within a period of two weeks from the date. The learned Trial Court will release the amount of compensation to the victim/complainant as per law.

10. Accordingly, the present appeal stands disposed of in above terms.



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11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

NOVEMBER 12, 2024/zp