



\$~17

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

+ **CRL.REV.P. 675/2018**

SUNIL JAIN

.....Petitioner

Through: **Mr. Dhanraj Jain, Adv. (thru VC)**

versus

PRADEEP JAIN & ORS

.....Respondents

Through: **Mr. Raj Kumar, Mr. Haim Kumar,
Advs.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

27.11.2024

%

1. This petition has been filed challenging the impugned order dated 29th May 2018 passed by the ASJ in Crl. Appeal No. 19/2017, preferred by the respondent/accused, against the judgment of conviction dated 6th January 2017 and order on sentence dated 27th January 2017. Conviction was pursuant to CC No. 51805/2016, where the accused were convicted for offence under Section 452/323 IPC and sentenced to undergo SI for 1 years with fine of Rs.10,000/-, each, for the offence under Section 452 IPC and in default of payment of fine, further a SI for 3 months each.

2. The Appellate Court confirmed the conviction of accused, however, as regards the quantum of sentence, taking into account, that the accused were young in age at the time of commission of offence, and that they were related to each other and had not misused the liberty on bail, the Court decided to release them on probation on their furnishing probation bond in sum of Rs.30,000/- each with one surety of the like amount, each, with the condition that they will maintain good behaviour and conduct in the society.



It was further directed that fine of Rs.10,000/- each, pursuant to order on sentence passed by the MM, would be paid as compensation to petitioner.

3. Counsel for petitioner states that, accused were in-laws of his sister, who was allegedly killed by her husband and the in-laws and the police officials, in collusion, showed it as an accidental fire. Petitioner, brother of deceased, published posters to show his protest, whereafter, respondents came and threatened and assaulted him on 27th April 2000 and 28th April 2000. Since no action was taken by police, a complaint was lodged on the basis of which conviction has resulted.

4. Counsel for respondents states that respondent no.1 is now 60 years of age.

5. Considering that the order was passed in 2018 and 6 years have passed since, counsel for petitioner contends that at least the compensation to be paid to petitioner, be enhanced, in order that there would be some reparation for assault that was inflicted on him.

6. In these circumstances, the Court is of the opinion that fine directed by the MM of Rs.10,000/- each for offence under Section 452 IPC be enhanced to Rs.30,000/- each. The additional amount of Rs.20,000/- each, towards fine, will be paid by each respondent, which shall be deposited before the Trial Court and shall be treated as further compensation to petitioner/complainant. The deposit shall be made within next the 2 weeks; petitioner shall be entitled to withdraw the total amount of Rs.60,000/-, as and when deposited.

7. Petition is disposed of with the aforesaid directions.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 27, 2024/sm/kp