

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 283/2014

BHAGWAN DASS & ANR.

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

WITH

Criminal Appeal No(s). 284-285/2014

BISHAMBER DAYAL

Appellant(s)

VERSUS

BHAGWAN DASS AND ANR. ETC.

Respondent(s)

J U D G M E N T

R. BANUMATHI, J.

Criminal Appeal No.283 of 2014:

(1) Being aggrieved by the conviction under Sections 326, 331, 343 and 346 I.P.C. and the sentence of imprisonment of two years imposed upon them, the appellants - Bhagwan Dass and Magan Singh have preferred this appeal.

(2) The appellants, Bhagwan Dass and Magan Singh, were working as Sub-Inspector/SHO and Assistant Sub-Inspector respectively at the relevant point of time. The allegations against the appellants is that PW-25, Bishamber @ Bishamber Dayal, was kept in illegal detention by the appellants at Police Station, Dharuhera, from 07.10.1992 to 10.10.1992. It is alleged that the said Bishamber was subjected to custodial torture by the appellants. After considering the evidence adduced by the

prosecution, including evidence of PW-24, Ram Pal, brother of Bishamber Dayal and PW-26, Mahavir, the trial court acquitted the appellants of all the charges framed against the appellants. On appeal, the High Court has reversed the order of acquittal and convicted the appellants as aforesaid.

(3) We have heard Mr. Sushil Kumar Jain, learned senior counsel appearing for the appellants, and Mr. Deepak Thukral, learned counsel appearing for the respondent-State. In spite of notice, there was no representation for the victim-Bishamber who has filed a separate appeal, Criminal Appeal NO(s).284-285 of 2014.

(4) Mr. Sushil Kumar Jain submitted that the occurrence was of the year 1992 and the appellants, after acquittal recorded by the trial court, also attained the age of superannuation. Learned senior counsel further submitted that it was not controverted by learned counsel appearing for the State that the Victim, Bishamber, has been given government job and presently working in the office of the District Commissioner at Rewari. Learned senior counsel also submitted that the appellant, Bhagwan Dass, as of now is 80 year old and the second appellant, Magan Singh, is more than 70 years. He further submitted that the appellants have already undergone imprisonment of about fifteen months and prayed for leniency.

(5) Considering the facts and circumstance of the case and having regard to the fact that the occurrence was of the year 1992, interest of justice would be met by reducing the imprisonment of two years to the period already undergone by

the appellants. Ordered accordingly.

(6) The appeal is accordingly disposed of.

(7) We make it clear that the reduction of sentence is in the peculiar facts and circumstances of the present case and the same may not be treated as precedent.

Criminal Appeal NO(s).284-285 of 2014 :

In view of order passed in Criminal Appeal NO.283 of 2014, these appeals shall also stand disposed of.

.....J.
(R. BANUMATHI)

.....J.
(VINEET SARAN)

NEW DELHI,
AUGUST 14, 2018.