

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 914 of 2017

SURENDER SINGH

Appellant(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

J U D G M E N T

BANUMATHI, J.:

(1) This appeal arises out of judgment and order dated 3rd July, 2015 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal NO.2084 of 2003 in and by which the High Court has affirmed the conviction of the appellant-accused under Sections 436, 429, 323 and 506 I.P.C. and also the sentence of imprisonment of seven years imposed upon the appellant.

(2) The case of the prosecution is that during the intervening night of 24th/25th November, 2000, the appellant Surender Singh and his real brother, Jai Bhagwan, alleged to have set fire to the house of the complainant-Sandeep (PW-4) who was at that time studying in Class-XII. Further case of the prosecution is that Sandeep's father, Inder Singh, was away on his work and Sandeep son of Inder Singh was alone in the house at the relevant point of time and before Sandeep could let loose the

cattle, two buffaloes, one she calf and one off-spring of the buffalo sustained burn injuries and subsequently they died. The complainant-Sandeep also got burn injuries in the said incident.

(3) Based on the evidence of Sandeep (PW-4) and other evidence, the Trial Court convicted the appellant and his real brother-Jai Bhagwan under Sections 436, 429, 323 and 506 I.P.C. and sentenced each of them imprisonment for seven years. In appeal, the High Court confirmed the conviction and the sentence of imprisonment imposed upon the appellants.

(4) The earlier S.L.P.(Crl.)No.7705 of 2015, preferred by co-accused-Jai Bhagwan, was dismissed by this Court vide Order dated 21st September, 2015; the review petition filed by Jai Bhagwan also came to be dismissed.

(5) Mr. Rajat Sharma, learned counsel appearing for the appellant, submitted that subsequent to the said occurrence a village panchayat was convened and that as per the decision of the village panchayatas an amount of Rs.9,00,000/- (Rupees Nine Lakhs) was paid to the affected party, namely, the complainant party-Inder Singh (father of Sandeep). Learned counsel for the appellant prayed for reduction of sentence by urging to take note of that subsequent development. It was submitted by learned counsel for the appellant that the appellant had already undergone imprisonment of about three years and three

months. Even though the notice was ordered to the complainant-parties to inform the Court about the receipt of the compensation of Rs.9,00,000/- (Rupees Nine Lakhs) in lieu of the damages, the complainant-parties have not entered appearance.

(6) Since the occurrence was of the year 2000 and taking note of the subsequent development that a compensation of Rs.9,00,000/- (Rupees Nine Lakhs) has been paid to the complainant-party (Inder Singh), the sentence of imprisonment of seven years imposed upon the appellant is reduced to five years.

(7) In the result, the sentence of imprisonment imposed upon the appellant is reduced to five years and the appeal is partly allowed. The appellant is directed to surrender to custody within a period of six weeks from today to serve the remaining sentence failing which he shall be taken to custody.

(8) A copy of this order be sent to the concerned Trial Court for necessary action.

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

.....J.
(INDIRA BANERJEE)

NEW DELHI,
OCTOBER 11, 2018.