

Surendra and Others

Vs

State of Uttar Pradesh

Criminal Appeal No. 247 of 1976

(P.N. Bhagwati, Syed M. Fazal Ali JJ)

19.08.1976

JUDGMENT

BHAGWATI, J. -

This appeal by special leave is limited only to the question of sentences. The appellants have been convicted of the offence under Section 325 read with Section 149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs. 300. We do not see any reason to interfere with this sentence which has been imposed by the sessions court and confirmed by the High Court. The imposition of sentence is always a matter of discretion and unless this Court finds that the discretion has been exercised arbitrarily or capriciously or on unsound principles or that the sessions court or the High Court has not taken into account any relevant factors in imposing the sentence, this Court would not be justified in reducing the sentence, merely because it feels that a lesser sentence might well have been imposed. Here, in the present case, the appellants and others caused as many as 17 injuries each to Jagdish Prasad and Moti Ram and 8 injuries to Sukhbir Singh and out of them one injury each to Jagdish Prasad and Sukhbir Singh was grievous hurt. It is true that they also in their turn received some injuries but these were mostly of a superficial nature. We do not think that in the circumstances we would be justified in interfering with the sentences imposed by the sessions court and confirmed by the High Court. We accordingly dismiss the appeal.

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