

Man Singh

Vs

State of Madhya Pradesh

Criminal Appeal No. 454 of 1990

(M. N. Venkatachaliah, N. M. Kasliwal JJ)

06.08.1990

ORDER

1. Heard learned counsel.

2. Special leave granted.

3. The appellant is convicted under Section 326 of Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years. The charge against him was that he cut off the nose of the complainant who is his mother-in-law. The complainant and the appellant had earlier filed in these proceedings an application seeking leave to compound the offence and for an order of acquittal of the appellant. That application was rejected by this Court as the prayer sought was not permissible having regard to Section 320(9) CrPC.

4. The submission now made is that in view of the circumstances that the appellant had, after the dissolution of his earlier marriage, married a person from the same family and has also afforded monetary reparation to the complainant, the court may consider reducing the quantum of the sentence as the incident occurred some 13 years ago and the complainant herself had accepted monetary reparation offered by the appellant.

5. Learned counsel for the petitioner submits that the appellant had served the sentence for over a year already and that it would be just and reasonable that the quantum of sentence is reduced to the period already undergone. Learned counsel for the State of M.P. also submits, however, that having regard to the particular circumstances of the case, ends of justice would be met if the sentence is reduced to the period already served provided some further monetary compensation is made to the injured person. Learned counsel stated that while reducing the substantive sentence of imprisonment to the period already undergone, the appellant may be directed to pay a fine of Rs. 2000, a part of which may be ordered to be paid over to the complainant as further compensation in addition to what is already claimed to have been paid to her.

6. We accept this submission. The appeal is partly allowed and while the sentence of imprisonment is reduced to what is already served by the appellant, a sentence of fine of Rs. 2000 is imposed on him. Fine shall be paid in the trial court within two months from today. Out of this amount a sum of Rs. 1000 shall be paid by the trial court to the injured complainant by way of compensation.

7. The criminal appeal is disposed of accordingly.

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