

SUPREME COURT OF INDIA

Sudhir Sabharwal

Vs.

Anil Prabhakar Nilgirwar

S.L.P (Crl.) No.3918-3919 of 2003

(Y. K. Sabharwal and B. N. Agarwal JJ.)

03.02.2004

ORDER

1. The High Court, while disposing of Criminal Revision Nos.528-529 of 2000, held that it was a fit case for exercise of power under sub-Section (3) of Section 357 of the Code of Criminal Procedure for reducing the sentence of imprisonment and directing payment of compensation of Rupees one lakh to the complainant-respondent No.1 in each case, within two months, in terms of the impugned order. The impugned order thus directed reduction of sentence from one year to six months and payment of compensation as aforesaid.
2. It seems that the High Court lost sight of the fact that the period of imprisonment has already been reduced to six months by the first appellate court. The compensation amount, as awarded by the High Court, has been paid today by the petitioner to the complainant-respondent No.1. Learned counsel for complainant-respondent No.1 states that his client has no objection if the sentence of imprisonment is reduced to the period already undergone.
3. Having regard to the facts and circumstance of the case, we are of the opinion that ends of justice would be met if the period of imprisonment is reduced and, accordingly, we modify the impugned judgment and order of the High Court and reduce the sentence of imprisonment to the period already undergone.
4. The special leave petitions are, accordingly, disposed of.