

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 463 OF 2010
arising out of SLP(Cr1.) 8365 of 2009

DEVIDAS SURYAVANSHI & ORS. APPELLANTS

VERSUS

STATE OF MAHARASHTRA RESPONDENT

O R D E R

1. Leave granted.

2. The appellants four in number were convicted under Section 326 read with Section 34 of the Indian Penal Code and Section 324 read with Section 34 of the IPC and were sentenced to suffer rigorous imprisonment for one year and fine of Rs. 500/- each in default to suffer rigorous imprisonment for one month and simple imprisonment for six months and fine of Rs. 200/- each in default to suffer simple imprisonment for one month respectively.

3. The incident arose out of a dispute during the panchayat elections held in the year 1992 wherein the complainants were the successful party and the accused

appellants' party was defeated. It is this rivalry which led to the incident on 7th November, 1993.

4. During the course of the incident, three persons P.W. 1 - Haribhau, P.W. 3 Namdev and P.W. 9 Vittal were injured. While the matter has been pending in this Court, the parties appear to have compromised the dispute and a joint affidavit setting out the terms of the compromise has been filed.

5. It is the contention of Mr. A.K. Shrivastava, the learned senior counsel for the appellants that in the light of the judgments of the Court in Surendra Nath Mohanty & Anr. v. State of Orissa (1999) 5 SCC 238 and Bankat and Another v. State of Maharashtra (2005) 1 SCC 343, the sentence awarded to the appellants should be reduced to that already undergone although the fine may be suitably enhanced in the background of the fact that admittedly the offence under Section 326 of the IPC was non-compoundable under Section 320 of the Code of Criminal Procedure.

6. We have gone through the judgments aforesaid and also heard the learned counsel for the complainant who is present before us. The judgments do suggest a decision in terms suggested by Mr. Shrivastava. The

complainant's counsel has also stated that as the parties have compromised, he would have no objection if the appeal is disposed of in the suggested terms.

7. We, accordingly, direct that the sentence of the appellants shall be reduced to that already undergone as we are told that they have undergone between 1½ to three months. We also direct that the appellants will pay a sum of Rs. 3,000/- each as fine and that the aforesaid amount of Rs. 12,000/- will be paid to P.Ws. 1, 3 and 9 in equal shares. The fine be deposited within a period of three months from today. In case of failure to deposit the fine within the stipulated period, the appeal will be deemed to be dismissed.



.....J
[HARJIT SINGH BEDI]

JUDGMENT

.....J
[C.K. PRASAD]

NEW DELHI
MARCH 10, 2010.