

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No(s). 1090 OF 2019
 (Arising out of SLP(CrI.)No.8293 of 2018)

MANJIT SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB & ANR.

Respondent(s)

J U D G M E N TBANUMATHI, J.

Leave granted.

2. This appeal arises out of judgment and order dated 02.05.2017 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal NO.S-1964-SB of 2003 in and by which the High Court has acquitted accused-Ranjit Singh from the charges by giving him benefit of doubt but affirmed the conviction of the appellant-Manjit Singh by the Trial Court and the sentence of imprisonment imposed upon him. The High Court has also enhanced the fine amount from Rs.1,000 to Rs.50,000/- with a direction to pay the same to the complainant-Hardip Singh as compensation.

3. Case of the prosecution is that on 04.06.2001 at about 05:30 p.m. when complainant-Hardip Singh (PW-1) was returning to his village Baghiari from bus stop on his scooter, appellant-accused, Manjit Singh, along with his brother Ranjit Singh, armed with knife, are said to have attacked/inflicted knife blows on the left and right thigh of the complainant. On the complaint lodged by the complainant a case was registered under Section 307 read with Section 34 I.P.C. and Section 324

read with Section 34 I.P.C. After completion of the investigation, the chargesheet was filed against the accused for the aforesaid offences.

(4) Upon consideration of the evidence of the complainant/injured person and other witnesses, the Trial Court convicted the accused appellant-Manjit Singh and his brother-Ranjit Singh under Section 307 I.P.C. and sentenced each of them to undergo rigorous imprisonment for five years along with fine of Rs.1000/- each. For the offence punishable under Section 324 I.P.C., they were sentenced to undergo rigorous imprisonment for two years. The Trial Court acquitted the accused-Davinder Singh giving him benefit of doubt. In appeal, the High Court affirmed the conviction of the appellant and also the sentence of imprisonment imposed upon the accused-Manjit Singh. The High Court, however, acquitted the accused-Ranjit Singh by holding that the charges against him are not proved beyond reasonable doubt. Being aggrieved, the appellant-Manjit Singh has preferred this appeal.

(5) During pendency of the appeal, parties are said to have compromised the matter. Learned counsel for the appellant-accused and the complainant-Hardip Singh, represented by his counsel Mr. Gopal Singh, Advocate, have filed affidavit dated 15th July, 2019 stating therein that the parties have compromised the matter. The appellant-accused has also filed the compromise deed dated 29th May, 2019 entered into between the parties.

(6) Section 307 I.P.C. is a non-compoundable offence. No permission can be granted to record the compromise between the parties. In Ishwar Singh v. State of Madhya Pradesh, (2008) 15 SCC 667, the Supreme Court of India has held that in a non-compoundable offence the compromise entered into between the parties is indeed a relevant circumstance which the Court may keep in mind for considering the quantum of sentence. In Paras (13) and (14) of the judgment in Ishwar Singh (supra) this Court has held as under:

"13. In Jetha Ram v. State of Rajasthan, (2006) 9 SCC 255, Murugesan v. Ganapathy Velar, (2001) 10 SCC 504 and Ishwarlal v. State of M.P., (2008) 15 SCC 671, this Court, while taking into account the fact of compromise between the parties, reduced sentence imposed on the appellant-accused to already undergone, though the offences were not compoundable. But it was also stated that in Mahesh Chand v. State of Rajasthan, 1990 Supp. SCC 681 such offence was ordered to be compounded.

14. In our considered opinion, it would not be appropriate to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which the Court may keep in mind."

(7) As noted earlier, in the present case the appellant-accused, Manjit Singh, has been sentenced to undergo imprisonment for five years. The appellant is said to have served seventeen months of imprisonment. Taking note of the compromise entered into between the parties and considering the relationship of the parties and the facts and circumstances of the case and also the sentence undergone by the appellant-accused, the sentence of imprisonment imposed upon the appellant under Sections 307 and 324 I.P.C. is reduced from five years/two years to the period already undergone by him. The appellant is ordered to be released forthwith unless his presence is required in any other case. In view of the compromise entered into between the parties, the fine amount of Rs.50,000/- imposed upon the appellant is set aside. If the said fine amount has already been paid, the same shall be refunded to the appellant-Manjit Singh.

(8) The appeal is partly allowed.

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

.....J.
(A.S. BOPANNA)

NEW DELHI,
JULY 22, 2019.