

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.282 OF 2019  
(@SLP(CrI.) No.1666/2019)  
(@D.No.32706 of 2018)

IBRAHIM & ORS.

APPELLANT(s)

VERSUS

THE STATE OF UTTAR PRADESH

RESPONDENT(s)

O R D E R

Delay condoned.

Leave granted.

This appeal arises from an order dated 9 December 2016 of a learned Single Judge of the High Court of Judicature at Allahabad in Criminal Revision No. 3066 of 2009.

By a judgment dated 15 November 2008, the Judicial Magistrate, Court No. 1, Manipuri in Criminal Case convicted the appellants under Sections 323 and 325 of the Indian Penal Code. They were sentenced to undergo two years' imprisonment and to a fine of Rs 1500 each under Section 325 and to suffer imprisonment of six months and a fine of Rs 500 each under Section 323 IPC. The High Court dismissed the Revision.

PW5 who conducted the medical examination of the injured witness (PW2) found the following injuries :

- “1. Fractured Sore, 2cm x 0.5 c.m. on right side of forehead, found clotted blood from 7c.m. above the right eyebrow upto the depth of scalp.
2. Lacerated wound 0.5 c.m. x 0.5 c.m on left side of head to the depth of scalp, found clotted blood to the 5c.m. distance from left eyebrow.
3. Abraded Contusion, Blue mark, Khursat 11c.m. x 7 c.m., redness on the back side of right hand to the extent of arms, kept under observation, recommended for X-ray.
4. Bluish mark, Khursat 2.5 c.m. x 1.0 c.m., redness in the right thumb from the bottom of thumb to the extent of 1c.m. below, kept under observation and recommended for X-ray.
5. Bluish mark 2c.m. x 0.5c.m. on right little finger, redness on its back side, kept under observation and recommended for X-ray.
6. Bluish mark 6c.m. x 4c.m. on left hand, redness of its backside, kept under observation and recommended for X-ray. Fracture is lower part of wrist.”

The High Court has noted that injuries 3, 4, 5 and 6 were “kept under observation and recommended for X-ray”. The other injuries were simple. The injuries were caused by a wooden stick.

The appellants have undergone approximately one year and two months of custody. Having due regard to the nature of the injuries and the facts and circumstances, we are of the view that it would be appropriate if the appellants are released on the sentence undergone, subject to enhancement of fine.

We accordingly order and direct that the fine which has been imposed by the Trial court and as confirmed by the High Court shall stand enhanced to Rs 15,000 in the case of each of the appellants. This amount shall be paid as compensation to the complainant. The appellants

shall furnish proof of payment of compensation to the complainant before the Trial court.

Subject to the aforesaid, the appeal shall stand allowed by directing the release of the appellants on the basis of the sentence undergone.

.....J.  
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.  
(HEMANT GUPTA)

NEW DELHI  
FEBRUARY 15, 2019

ITEM NO.39

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO.282 OF 2019  
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(WITH I.R. and IA No.176742/2018-CONDONATION OF DELAY IN FILING and IA No.176745/2018-EXEMPTION FROM FILING O.T. and IA No.176744/2018-CONDONATION OF DELAY IN REFILEING)

Date : 15-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Varinder Kumar Sharma, AOR  
Mr. P.K. Singh, Adv.  
Mr. Vijay Pal, Adv.

For Respondent(s) Mr. Manish Raghav, Sr. Adv.  
Mr. Vishnu Shankar Jain, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

In terms of the condition mentioned in the signed order, the appeal shall stand allowed by directing the release of the appellants on the basis of the sentence undergone.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)