

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.747 OF 2017

ASHOK KUMAR

APPELLANT

VERSUS

1. SURAT SINGH

2. STATE OF UTTARANCHAL (*now* STATE OF UTTARAKHAND)

RESPONDENTS

WITH

CRIMINAL APPEAL NO.748 OF 2017

ASHOK KUMAR

APPELLANT

VERSUS

STATE OF UTTARANCHAL (*now* STATE OF UTTARAKHAND)

RESPONDENT

WITH

CRIMINAL APPEAL NO.749 OF 2017

ASHOK KUMAR

APPELLANT

VERSUS

1. SURAT SINGH

2. STATE OF UTTARANCHAL (*now* STATE OF UTTARAKHAND)

RESPONDENTS

O R D E R

AHSANUDDIN AMANULLAH & PRASHANT KUMAR MISHRA, JJ.

Heard learned counsel for the respective parties.

CRIMINAL APPEALS NO.748-749/2017

2. The present appeals mount a challenge to the common impugned order¹ dated 09.05.2014 by which the

¹ In Government Appeal No.411/2003 and Criminal Revision No.212/2003 (Uttarakhand High Court).

appellant's acquittal by the Trial Court has been overturned by the High Court into a conviction with a sentence of three months under Section 336² of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'), one year's Rigorous Imprisonment with a fine of Rs.5,000/- under Section 504³, IPC and one year's Rigorous Imprisonment with a fine of Rs.5,000/- under Section 506⁴, IPC.

3. Having gone through the records, and upon hearing learned counsel for the parties, in our considered view, no error is discernible in the view taken by the High Court. Thus, the conviction of the appellant is maintained.

4. At this stage, learned counsel for the appellant submits that the Sections concerned (noted *supra*) also envisage that apart from sentence, only fine(s) can also be imposed. The plea, thus raised, was that in view of the

² '336. Act endangering life or personal safety of others.—Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.'

³ '504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.'

⁴ '506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.'

appellant being more than 75 years of age, and the incident being of the year 1995, in the larger public interest, so that peace and tranquillity is restored between the private parties [appellant and respondent no.1 in Criminal Appeal No.749/2017], who happen to be co-villagers, this Court may consider enhancing the fine(s), while quashing the imprisonment sentences. On a query as to how much the appellant is ready to offer to the said private respondent, learned counsel submits that it can be Rs.1,00,000/- Lakh (Rupees One Lakh).

5. Learned counsel for the respondent no.1 Criminal Appeal No.749/2017 submits that though the incident was one of high-handedness and the said private respondent, being totally innocent and at the receiving end, had to even undergo incarceration, whereas the appellant has not gone behind bars even for a single day, in principle, he was not very enthused to accept a fine amount only. However, in the overall interest of the parties for maintaining cordiality amongst themselves as also in the village, he would agree to the appellant compensating the said private respondent to the tune of Rs.1,00,000/- (Rupees One Lakh).

6. We note that while Section 336, IPC prescribes a maximum fine of Rs.250 (Rupees Two Hundred and Fifty), no stipulated fine has been provided for in Sections 504 and 506 of the IPC. Nonetheless, having independently examined the matter, we find that in the peculiar facts and circumstances of the case and in view of the offer made and accepted hereinabove, the Court can favourably consider the prayer of the appellant to restrict the sentence to a total fine of Rs.1,00,000/- (Rupees One Lakh).

7. Ordered accordingly. We direct that the whole of the fine be paid to the private respondent, in terms of Section 357(1)(b)⁵ of the Code of Criminal Procedure, 1973.

8. Let such fine be paid by the appellant to the respondent no.1 in Criminal Appeal No.749/2017 within a period of four weeks from today.

9. These appeals stand disposed of upholding the impugned order, but with the modification that the sentences of imprisonment shall stand substituted by the fine indicated above. Pending applications are closed.

⁵ **'357. Order to pay compensation.—**(1) *When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—*

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(b) *in the payment to any person of compensation for any loss or injury caused by the offence, when compensation is, in the opinion of the Court, recoverable by such person in a civil court;*

CRIMINAL APPEAL NO.747/2017

10. This appeal assails the impugned order dated 09.05.2014 (common to the preceding 2 appeals) in Criminal Appeal No.294/2003, whereby the High Court has allowed the appeal preferred by respondent no.1, and quashed his conviction and sentence awarded in Sessions Trial No.65/96.

11. On an overall circumspection, we are not inclined to interfere on any score.

12. Accordingly, we dismiss this appeal and close any pending applications.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[PRASHANT KUMAR MISHRA]

NEW DELHI
20th FEBRUARY, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCRIMINAL APPEAL NO.747/2017

ASHOK KUMAR

APPELLANT

VERSUS

SURAT SINGH & ANR.

RESPONDENTS

[IA No.1628/2015 - EXEMPTION FROM FILING O.T.]

WITH

Crl. A. No.748-749/2017 (II-B)

[FOR EXEMPTION FROM FILING O.T. ON IA 1839/2015, FOR EXEMPTION FROM FILING O.T., IA No.2602/2015 - EXEMPTION FROM FILING O.T. AND IA No.1839/2015 - EXEMPTION FROM FILING O.T.]

Date : 20-02-2025 These matters were called on for hearing today.

CORAM :HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Appellant(s) :Dr. A.K.Gautam, Adv.
Ms. Ankita Gautam, AOR
Mr. Harsh Gautam, Adv.
Mr. Nitin Juyal, Adv.
Mr. Prem Prakash, AOR

For Respondent(s) :Mr. Saurabh Trivedi, AoR

Mr. Prashant S Kenjale, Adv.
Ms. Srishty Pandey, Adv.
Ms. S Soorya Gayathry, Adv.
Mr. Muthuvel Palani, Adv.
M/s. Juristrust Law Offices, AORMr. Manan Verma, AOR
Mr. Ishita Bist, Adv.
Mr. Sumit Kumar, Adv.
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Ms. Ishita Bist, Adv.
Ms. Ambika Atrey, Adv.
Ms. Jyoti Verma, Adv.
Mr. Navneet Gupta, Adv.

Mr. Biswajit Swain, Adv.
Mr. Kedar Nath Tripathy, AOR

UPON hearing Counsel, the Court passed the following
O R D E R

1. Hon. Ahsanuddin Amanullah and Hon. Prashant Kumar Mishra, JJ. were pleased to dispose of Criminal Appeals No.748-749/2017 in the manner indicated by Their Lordships in the Signed Non-Reportable Order (hereinafter referred to as the 'Order').
2. Criminal Appeal No.747/2017 is dismissed as per the Order.
3. Their Lordships have further directed that the pending applications in all appeals are closed.

(RAJNI MUKHI)
ASTT. REGISTRAR-*cum*-PS

(RAVINDER KUMAR)
COURT MASTER (NSH)

[Signed Non-Reportable Order is placed on the file.]