

(2015) 03 P&H CK 0232

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. Nos. 18298 and 22659 of 2014 in Criminal Appeal No. A-121-SB of 2000

Chaman Parkash and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 26-03-2015

Acts Referred:

Citation : (2015) 3 RCR(Criminal) 293

Hon'ble Judges : Naresh Kumar Sanghi, J.

Bench : Single Bench

Advocate : R.K.S. Brar, Addl. AG, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Naresh Kumar Sanghi, J.—This order shall dispose of Criminal Misc. No. 18298 of 2014 filed by applicant/appellant No. 3, Bablu and Criminal Misc. No. 22659 of 2014 filed by applicant No. 2 Raju in Criminal Appeal No. A-121-SB of 2000 decided on 06.11.2013 for extension of time in depositing the amount of Rs. 1,00,000/-imposed upon each of the applicants and their co-convict Chaman Parkash.

2. As a result of notices of the applications, learned counsel for the State has put in appearance.

3. Learned counsel for applicants Bablu and Raju submit that due to poverty, the applicants could not deposit the amount of compensation within the stipulated period and now both the applicants are ready to deposit the amount of compensation along with interest at the rate of 9% per annum to be calculated from 05.02.2014.

4. Learned counsel for the State submits that it will be reasonable in the facts and circumstances of the present case to direct the applicants to deposit the amount of compensation of their share along with interest at the rate of 9% per annum.

5. I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

6. While deciding Criminal Appeal No. A-121-SB of 2000 the following operative order (para Nos. 16 and 17) was passed:--

"16. In view of the totality of the facts and circumstances of the case, the substantive sentence of the appellants is reduced to the period already undergone by each one of them. The fine and the default clause imposed by the learned Trial Court is maintained. In addition to the above, each appellant is directed to pay the compensation of Rs. 1,00,000/-(Rupees One lac) each, which shall be deposited with the learned Chief Judicial Magistrate, Hisar, within a period of three months of passing of this judgment. Upon deposit of the amount of compensation (Rs. 1,00,000/- x 3 = Rs. 3,00,000/-), the same shall be deposited in a Fixed Deposit Scheme for a term of three years, fetching the maximum rate of interest, in the joint names of the injured persons, namely, Santosh Kumari (PW7) and Ram Charan Gupta (PW8), in a nationalized bank. The interest accrued on the said amount would be disbursed to the aforementioned injured persons in equal shares for three years on monthly basis. After three years, the injured persons will be entitled to get the principal amount of compensation encashed in equal shares.

17. After deposit of the amount of compensation, the learned Chief Judicial Magistrate, Hisar, would issue a notice to Santosh Kumari (PW7) and Ram Charan Gupta (PW8), so that the requisite formalities with regard to deposit of the amount in a fixed deposit scheme are fulfilled by the injured persons."

7. It has been submitted on behalf of the applicants that on account of poverty they could not deposit the amount of compensation within the stipulated period.

8. Learned counsel for the State has not controverted the above submissions however, he has suggested that on account of non-deposit of the amount of compensation, the injured persons have suffered the loss of interest, therefore, the applicants can be directed to deposit the amount of compensation along with interest.

9. After hearing the learned counsel for the parties and going through the contents of the applications, the operative part of the order dated 06.11.2013 (para Nos. 16 and 17) shall be read as under:--

"16. In view of the totality of the facts and circumstances of the case, the substantive sentence of the appellants is reduced to the period already undergone by each one of them. The fine and the default clause imposed by the learned Trial Court is maintained. In addition to the above, each appellant is directed to pay the compensation of Rs. 1,00,000/-(Rupees One lac) each. The appellants, Bablu and Raju, shall deposit the amount of their share along with Rs. 12,000/- each i.e. Rs. 1,00,000/- + Rs. 12,000/- and Rs. 1,00,000/- + Rs. 12,000/- total amounting to Rs. 2,24,000/- which shall be deposited with the

learned Chief Judicial Magistrate, Hisar, within a period of three months of passing of this judgment. Upon deposit of the amount of compensation (Rs. 1,00,000/- x 2 = Rs. 2,00,000/- plus interest Rs. 24,000/- (12,000 +12,000 to be deposited by appellants Bablu and Raju), the same shall be deposited in a Fixed Deposit Scheme for a term of three years, fetching the maximum rate of interest, in the joint names of the injured persons, namely, Santosh Kumari (PW7) and Ram Charan Gupta (PW8), in a nationalized bank. The interest accrued on the said amount would be disbursed to the aforementioned injured persons in equal shares for three years on monthly basis. After three years, the injured persons will be entitled to get the principal amount of compensation encashed in equal shares.

17. After deposit of the amount of compensation, the learned Chief Judicial Magistrate, Hisar, would issue a notice to Santosh Kumari (PW7) and Ram Charan Gupta (PW8), so that the requisite formalities with regard to deposit of the amount in a fixed deposit scheme are fulfilled by the injured persons."

10. It is apposite to mention here that there were total three convicts, namely, Chaman Parkash, Raju and Bablu. All the three convicts were directed to deposit Rs. 1,00,000/- each as compensation to be paid to Santosh Kumari (PW7) and Ram Charan Gupta (PW8) vide order dated 06.11.2013. Since Chaman Parkash has deposited the amount of compensation of his part, therefore, the said amount shall also be deposited in the fixed deposit in the names of Santosh Kumar (PW7) and Ram Charan Gupta (PW8) in terms of order dated 06.11.2013.

Disposed of.