



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.550-554 OF 2020

**(Arising out of S.L.P (CrL.)Nos.4016-4020 of 2020
D.No.13225/2020**

Dalbir Singh

...Appellant

Versus

State of NCT of Delhi & Anr.etc.

...Respondents

O R D E R

1. Delay condoned.

2. Leave granted.

3. These criminal appeals are filed by the complainant, aggrieved by the common order dated 09.12.2019 passed by the High Court of Delhi at New Delhi in CrL.A.No.537 of 2019, CrL.A.No.624 of 2019, CrL.A.No.622 of 2019, CrL.A.No.488 of 2019 and CrL.A.No.499 of 2019, in rejecting the claim made by the appellant herein for release of compensation which is awarded under Section 357(3) of Cr.P.C., in order dated 20.03.2019 passed by the learned Addl. Sessions Judge,

FTC Court, Shahdara in Sessions Case No.29 of 2011 and Unique Case ID No.235 of 2016.

4. The contesting respondents, herein were accused in FIR No.1004/2006 registered on the file of PS, Sector-20, Noida (U.P.) for offence under Sections 342/332/306/167/218/220/302/34 IPC. All of them are members of police force. It was the case of the appellant/complainant that, respondents-accused have illegally detained his son in connection with a theft case and he was tortured in the police lock up and in view of the injuries suffered, he succumbed to the injuries. The respondents-accused were tried by the learned Addl. Sessions Judge, FTC court, Shahdara for the offences alleged against them and by judgment dated 14.03.2019, the respondents-accused namely Kunwar Pal is held guilty for offence punishable under Section 365/34 IPC and accused SI Hindveer Singh and SI Mahesh Mishra and constable Pradeep, constable Pushpender and constable Haripal were held guilty for offence punishable under Sections 365/220/167/304/34 IPC. While passing the order of sentence on 20.03.2019, the Trial Court has awarded compensation of Rs.One lac payable by the accused/convict Kunwar Pal and a sum of Rs.Five lacs each was ordered to be paid by the accused/convicts SI

Hindveer Singh and SI Mahesh Mishra and a sum of Rs.Two lacs each was ordered to be paid by the accused/convicts constable Pradeep, constable Pushpender and constable Haripal, in terms of Section 357(3) Cr.P.C. The Trial Court ordered release of such compensation in favour of the appellant who is the father of the deceased victim.

5. As against the conviction recorded and sentence imposed by the Trial Court, criminal appeals are preferred in CrI.A.No.537 of 2019, CrI.A.No.624 of 2019, CrI.A.No.622 of 2019, CrI.A.No.488 of 2019 and CrI.A.No.499 of 2019 by the accused, and same are pending before the High Court.

6. By the time impugned order came to be passed on 9.12.2019, the appellants in CrI.A.No.488 of 2019, CrI.A.No.499 of 2019, CrI.A.No.622 of 2019 and CrI.A.no.624 of 2019 have deposited the fine and compensation amount, whereas the appellant in CrI.A.No.537 of 2019 sought time to deposit the same. In view of the deposit made by the appellants, the appellant herein made a request to release the deposited compensation amount to him as, he is the father of the deceased victim. Such request for release of the amount as prayed by the appellant, is rejected vide impugned order dated 9.12.2019. Hence these appeals.

7. We have heard learned counsel for the appellant and learned counsel appearing for respondent-State. Learned counsel Sri Divyesh Pratap Singh, appearing for the appellant, has submitted that the son of the appellant is the victim of custodial torture, who has succumbed to injuries suffered in lock up. It is stated that the appellant is about 76 years of age and has been fighting alone this case for the last more than 14 years. Further he has, stated that on account of the unfortunate incident, appellant has lost his son at the young age of 20 years and further the appellant has spent more than 14 years for pursuing the case, which resulted in deterioration of his mental and physical health. By further referring to material placed on record, it is submitted that the appellant is suffering from serious ailments and is in dire need of money for his medical needs, and inspite of the same, the High Court has refused to release the compensation awarded to the appellant.

8. On the other hand, learned counsel appearing for the respondents has submitted that the judgment of the Trial Court dated 14.03.2019 convicting the respondents and further the order dated 20.03.2019 imposing sentence and award of compensation, are the subject matter of

challenge in the appeals, as such the appellant is not entitled for release of, such compensation, during the pendency of the appeals before the High Court.

9. Having heard learned counsel for the appellant and learned counsel appearing for respondent-State, we have perused the impugned order and other material placed on record.

10. In view of the pendency of criminal appeals before the High Court, wherein the respondents-accused have challenged their conviction and sentence imposed, we do not wish to record any finding on merits of the matter. But suffice it to say, that the compensation awarded in the order dated 20.03.2019 is in exercise of power under Section 357(3) Cr.P.C. 1973 and as the order dated 20.03.2019 is under challenge in criminal appeals pending before the High Court, we are of the considered view that it is not desirable to release such compensation in favour of the appellant, at this stage. It is true that, the incident has happened in the year 2006 and the appellant herein who is the father of the victim is relentlessly pursuing the matter from last more than a decade. But at the same time it is to be kept in mind that, the conviction recorded and sentence imposed by the Trial Court is the subject matter of the

appeals, pending before the High Court. If we permit the release of such compensation to the appellant at this stage, it may lead to multiplicity of proceedings. Instead of ordering release of compensation to the appellant at this stage, we deem it appropriate to request the High Court for expeditious disposal of Criminal Appeal Nos. 537 of 2019, 624 of 2019, 622 of 2019, 488 of 2019 and 499 of 2019.

11. For the aforesaid reasons, we decline to interfere with the impugned order dated 09.12.2019 passed by the High Court and we request the High Court to dispose of Criminal Appeal Nos. 537 of 2019, 624 of 2019, 622 of 2019, 488 of 2019 and 499 of 2019 as expeditiously as possible, preferably within a period of six months, from the date of this order. The appeals are accordingly dismissed.

.....J
[Ashok Bhushan]

.....J.
[R. Subhash Reddy]

New Delhi;
August 28, 2020