

उत्तर प्रदेश न्यायिक सेवा  
सिविल जज (जूनियर डिवीजन) मुख्य परीक्षा

1. 'अ' अपने व्यावसायिक प्रतिद्वन्दी 'ब' द्वारा दिए गए भोज में सम्मिलित होने गया। भोज के दौरान 'ब' ने शिकायत की कि किसी ने उसकी पत्नी का हीरे का हार चुरा लिया। पुलिस को बुलाया गया तथा वहाँ उपस्थित सभी व्यक्तियों की तलाशी ली गई। तलाशी के दौरान हीरे का हार अन्य अतिथियों की उपस्थिति में 'अ' के पास से बरामद हुआ। 'अ' का कहना है कि 'ब' ने रंजिश के कारण, उसके ज्ञान के बिना, हीरे के हार को उसके कोट में रखकर झूठा फँसा दिया है।  
उपरोक्त तथ्यों के आधार पर आरोप तैयार कीजिए तथा दोषसिद्धि करते हुए एक निर्णय लिखिए।

न्यायालय कखग, न्यायिक मजिस्ट्रेट, (प्रथम), जिला 'उ', क्षेत्र 'घ', राज्य उ०प्र० के समक्ष

आरोप—पत्र

राज्य बनाम 'अ'  
एफ.आई.आर. नं. — / 2003  
धारा — 380 / 411 भा.द.सं.

मैं, कखग, न्यायिक मजिस्ट्रेट, (प्रथम), जिला 'उ', आप 'अ' (अभियुक्त) पुत्र श्री 'च', पता 'द', क्षेत्र 'घ', उ०प्र०, पर निम्नलिखित आरोप निश्चित करती हूँ कि —

तारीख 5-1-2003, समय लगभग 7 और 9 बजे शाम के बीच, ब के घर में आपने, ब की पत्नी का हीरे का हार, जिसकी कीमत लगभग — रू० थी, की चोरी किया और ब के घर में उस समय उपस्थित अन्य अतिथियों के समक्ष, पुलिस द्वारा ली गई तलाशी के दौरान, वह हीरे का हार आपके कोट से बरामद हुआ जो कि भारतीय दण्ड संहिता की धारा 380 व धारा 411 के अधीन दण्डनीय अपराध है और जो कि मेरे न्यायालय के अधिकार क्षेत्र में आता है और जिस पर इस न्यायालय ने संज्ञान लिया है।

अतः मैं एतत् द्वारा निर्देश देता हूँ कि आप पर इस न्यायालय द्वारा उक्त आरोपों पर विचारण किया जाए।

कखग  
न्यायिक मजिस्ट्रेट, (प्रथम)  
जिला 'उ', क्षेत्र 'घ', राज्य उ०प्र०

आरोपों को पढ़कर समझाया गया और आरोपी से निम्नलिखित प्रश्न किये गये :

प्र. 1 क्या आपने उपरोक्त आरोपों को भली-भाँति समझ लिया है?

उ.

प्र. 2 क्या आप इन आरोपों से सम्बन्धित अपनी गलती मानते हैं, यदि नहीं तो क्या आप मुकदमा लड़ना चाहते हैं?

उ.

समझ लिया व सही पाया  
हस्ताक्षर अभियुक्त 'अ'

कखग  
न्यायिक मजिस्ट्रेट, (प्रथम)  
जिला 'उ', क्षेत्र 'घ', राज्य उ०प्र०

1. 'A' went to attend a dinner hosted by his business competitor 'B'. During the dinner gr complained that someone had stolen the diamond necklace of his wife. Police was called and every- body was searched. The diamond necklace was recovered from the possession of 'A' during search made by the police in presence of other guests. 'A' alleges that he is being falsely implicated by 'B' due enmity by putting this necklace into his coat without his knowledge. In the light of above facts frame charge and write a judgment of conviction.

**IN THE COURT OF SH. ABC, JM (FIRST), DIST. - N, AREA M, U.P.**

**State Vs. A**  
**FIR No: ----/2003**  
**U/s 380/411 IPC**

**CHARGE**

I, ABC, JM (First), Dist. – N, do hereby charge you accused A, S/o Sh. R, R/o xyz, Dist.–N, Area-M, U.P. as under:-

That on 05.01.2003, in between 7 to 9 PM at House No. -----, Dist. – N, Area – M, U.P. within the jurisdiction of PS - P, you committed theft of Diamond Neckless belonging to one C, wife of one B, the complainant, from the aforesaid premises of B and thereby you committed an offence punishable U/s 380 IPC, within the jurisdiction of this Court and within my cognizance.

Secondly, on aforesaid date, time and place, during the search of such Diamond Neckless, you were found in possession of the aforementioned Neckless from your Coat which was dishonestly retained by you despite knowing the same to be stolen property and thereby you committed an offence punishable U/s 411 IPC and within my cognizance.

And I hereby direct that you to be tried by this Court for the aforesaid offences.

**ABC**  
**JM (First), Dist. – N,**  
**Area – M, U.P.**

Charge is read over and explained to the accused in vernacular and he is questioned as under:

Q. Have you understood the charge?

A. Yes.

Q. Do you plead guilty or claim trial ?

A. I do not plead guilty and claim trial.

RO & AC

**ABC**  
**JM (First), Dist. – N,**  
**Area – M, U.P.**

**IN THE COURT OF SH. ABC, JM (FIRST), DIST. - N, AREA M, U.P.**

**State Vs. A**  
**FIR No: ----/2003**  
**U/s 380/411 IPC**

**CHARGE**

I, ABC, JM (First), Dist. – N, do hereby charge you accused A, S/o Sh. R, R/o xyz, Dist.–N, Area-M, U.P. as under:-

That on 05.01.2003, in between 7 to 9 PM at House No. -----, Dist. – N, Area – M, U.P. within the jurisdiction of PS - P, you committed theft of Diamond Neckless belonging to one C, wife of one B, the complainant, from the aforesaid premises of B and during the search of such Diamond Neckless, you were found in possession of the Neckless from your Coat which was dishonestly retained by you despite knowing the same to be stolen property thereby you committed an offence punishable U/s 380 /411 IPC, within the jurisdiction of this Court and within my cognizance.

And I hereby direct that you to be tried by this Court for the aforesaid offences.

**ABC**  
**JM (First), Dist. – N,**  
**Area – M, U.P.**

Charge is read over and explained to the accused in vernacular and he is questioned as under:

Q. Have you understood the charge?

A. Yes.

Q. Do you plead guilty or claim trial ?

A. I do not plead guilty and claim trial.

RO & AC

**ABC**  
**JM (First), Dist. – N,**  
**Area – M, U.P.**

The offences alleged against the accused are theft and recovery of stolen property punishable u/s 380/411 IPC. The offence U/s 380 IPC is punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. The offence is triable by the Magistrate, however regarding the sentence, if the Magistrate is of the view that the sentence, to be awarded in the given facts and circumstances for more than 3 years of imprisonment and such sentence is beyond the powers of the Magistrate, after announcement of the judgment of conviction, the matter shall be referred to the CJM concerned for passing the appropriate sentence by that court or by the court assigned for such purpose and to the competent court of jurisdiction. Thus, the trial shall be commenced in the court of the Magistrate and the Judgment shall also be recorded by the court of the Magistrate concerned where the charges have been framed.

Thus, the judgment is written accordingly for the court of Judicial Magistrate (First).

## JUDGMENT

**IN THE COURT OF SH. ABC, JM (FIRST), DIST. - N, AREA M, ALLAHABAD, U.P.**

**FIR No: ----/2003  
U/s 380/411 IPC  
P.S. K, Allahabad**

**State Vs. A S/o Sh. R .... Accused  
R/o xyz, Dist.-N, Area-M, U.P.**

|     |   |  |
|-----|---|--|
| (a) | the serial number of the case                                       | S.C. No. ....../2003                           |
| (b) | the date of the commission of the offence                           | 05.01.2003                                     |
| (c) | the name of the complainant (if any)                                | B  |
| (d) | the name of the accused person,<br>and his parentage and residence; | A S/o Sh. R,<br>R/o xyz, Dist.-N, Area-M, U.P. |
| (e) | the offence complained of or proved                                 | U/s 380/411 IPC                                |
| (f) | the plea of the accused<br>and his examination (if any)             | Pleaded not guilty                             |
| (g) | the final order   | Convicted U/s 380/411 IPC                      |
| (h) | the date of such order  | 25.05.2003                                     |
| (i) | An appeal lies from the final order                                 | under section 374 (3) Cr.P.C.                  |

Present – Ld. Addl. P.P. for the State  
Sh. SRG, Ld. Counsel for the Accused  
Accused A on bail

## **JUDGMENT**

1. The brief resume of the facts of the prosecution case is that on 14.5.2000 at about 7 p.m. A went to attend a dinner hosted by his business competitor 'B'. During the dinner B complained that someone had stolen the diamond necklace of his wife. Police was called and every- body was searched. During the search, the said diamond necklace was recovered from the possession of 'A', in presence of other guests.
2. The FIR was registered U/s 380/411 IPC with P.S. K, Allahabad against the accused A and the matter was entrusted for investigation upon Sub-Inspector Mr. X. During the investigation, the Investigating Officer visited the spot, prepared the site plan at the instance of B, recorded the statements of the witnesses U/s 161 Cr.P.C. He has arrested

the accused A from the spot. The I.O. prepared the Arrest Memo of the accused, conducted the personal search of the accused and prepared the personal search memo, recorded his disclosure statement and prepared the recovery memo of the recovery of the diamond neckless, the stolen property. The case property i.e. the diamond neckless was seized, sealed and deposited in the Malkhana. Later on the case property was produced before the Ld. M.M. for conducting Test Identification Parade (TIP) of the case property. During the TIP, Smt. C, the wife of B had correctly identified the case property i.e. the diamond neckless as her own that was stolen from her house.

3. On completion of the investigation, a Chargesheet was filed against the accused for the offence U/s 380/411 IPC and the accused was produced before the Court. The copies were supplied to the accused.
4. The charges were framed against the accused A of the offence punishable under Section 380/411 IPC and when the same were read over and explained to the accused, the accused had not pleaded guilty and claimed the trial.

Thus, the trial had commenced.

5. In order to prove its case, the prosecution has produced a total number of 9 witnesses including the complainant B (PW1), his wife C (PW2), Mr. D (PW3), E (PW4) and F (PW5), the three guests present on the spot at the time of commission of the offences alleged and at the time of recovery of the stolen property and Ms. PQ, the Ld. JM (First) (PW6), before whom the TIP of the case property was conducted.

Also Head Constable Mr. Z (PW7) who was the Duty Officer and had recorded the FIR in this case. Constable Mr. Y (PW8) who was the participating witness of investigation with the I.O. Mr. X (PW9).

6. On closing of the prosecution evidence, the statement of accused was recorded U/s 313 Cr.P.C. wherein when all the incriminating evidence was put to the accused, he had denied all the evidence as false and fabricated and submitted that he was innocent and was falsely implicated in this matter by B due to professional and business rivalry and that he had not committed any theft as alleged and that the stolen property was inserted in his coat without his knowledge and that all the witnesses deposed against him were interested witnesses being the relatives of B and his wife, as the complainant B wanted him to be out of the competition of the business of B.

The accused did not lead any defence evidence in support of his defence.

7. The arguments were addressed by Ld. APP for the state submitting that the prosecution has proved the case against the accused beyond reasonable doubt for the

offences alleged through ocular evidence of PW1 to PW9 and documentary evidence i.e. site plan Ex. PW9/A, disclosure statement Ex. PW9/B, Recovery memo Ex. PW3/A, seizure memo Ex. PW9/C, arrest memo Ex. PW9/D and personal search memo Ex. PW9/E, to prove the investigation and that the stolen property was recovered from the possession of the accused, and also of the other documents i.e. the receipt Ex. PW1/A, TIP proceedings Ex. PW6/A to prove the ownership of the property in question and that the 3 independent witnesses have proved the occurrence.

8. Sh. SRG, Ld. Counsel for the Accused has vehemently opposed the contentions of Ld. APP for the state submitting that the accused was innocent and was falsely implicated in this matter by B due to professional and business rivalry and that he had not committed any theft as alleged and that the stolen property was inserted in his coat without his knowledge and that all the witnesses deposed against him were interested witnesses being the relatives of B and his wife as the complainant B wanted him to be out of the competition of the business of B. It is also submitted that the prosecution has not proved the time and manner of the theft or that the accused was having any knowledge about the stolen property in his pocket or that he had any dishonest intention to retain the same. It is submitted that the accused is entitled for the benefit of doubt and he be acquitted.
9. I have heard Ld. APP for the State and the Ld. Counsel for the accused and perused the material including the ocular and documentary evidence produced during trial in the light of the contentions addressed before this court.
10. The offences alleged against the accused are theft and recovery of stolen property, punishable u/s 380 and 411 IPC respectively.

11. Section 380 IPC reads as under:

#### **Section 380 in The Indian Penal Code**

**380. Theft in dwelling house, etc.**—Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

#### **Section 411 in The Indian Penal Code**

**411. Dishonestly receiving stolen property.** —Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

12. In order to establish the offences alleged, the prosecution had to prove the following ingredients:
1. That the case property i.e. the diamond necklace was belonging to Ms. C, the wife of B, the complainant ?
  2. That the case property was removed from the possession of its owner?
  3. That the case property was recovered from the exclusive possession of the accused?
  4. That the case property was retained by the accused knowing well that the same was not his property.
  5. That the case property was retained with dishonest intention for using it for him?
13. On the meticulous examination of the evidence of the prosecution, in the light of the contentions of both the parties, it is observed that through the testimony of Ms. C, the wife of the complainant with the supporting document Ex PW1/A, the receipt of purchase of the diamond necklace, the case property, it was established on record, that the case property was belonging to Ms. C, the wife of the complainant B and that she was the owner of the case property at the time of commission of alleged offence when she found that the same was missing from her possession.

Further, from the ocular evidence of Ms. PQ, Ld. MM, it was established on record that the case property P1, was duly identified by Ms. C from the junk of the same and similar properties shown to her. The TIP proceedings Ex PW6/A, proved that the case property was duly identified by Ms. C.

Thus, it was established on record by the prosecution that the case property i.e. the diamond necklace was belonging to Ms. C, the wife of B, the complainant.

14. Also, it is observed that the prosecution has produced Mr. D, PW3, Smt. E, PW4 and Mohd. F, PW5, the three guests, who were present on the spot, at the time of commission of the offence, who have deposed that during the dinner, B had complained that somebody had stolen diamond necklace of his wife and that everybody present there was searched by the police and that the diamond necklace was recovered from the possession of A in their presence. The testimony of all these three witnesses was corroborated with each other on the point of the occurrence and about the recovery of the case property i.e. the diamond necklace Ex.P1 that was duly identified by these witnesses during their examination as the same that was recovered from the possession of the accused. There was nothing came on record to prove that the case property was not recovered from the possession of the accused or that someone intentionally inserted the same into the pocket of the coat of the accused. The recovery memo was Ex.PW3/A bearing signatures of Mr. D, PW3 as one of the witnesses.

PW9, the I.O. and PW8, Constable Mr. Y were also corroborated the testimony of



PW3, 4 & 5 on the point of recovery of the case property i.e. Ex.P1, duly identified by them as the same recovered from the pocket of the coat of accused A.

Thus, from the above noted ocular evidence of the witnesses with supported documents, it was duly proved on record that the diamond necklace belonging to Smt. C the order of the case property was stolen from her house during the dinner hosted by her husband B, the complainant and that the same was recovered from the exclusive possession of the accused A from his coat, from the spot and in the presence of PW3 to PW5.

15. In support of the contentions raised, on behalf of accused, nothing could be proved on record that there was an enmity on business rivalry between accused A and Complainant B. It is also not proved on record that someone else had put the necklace in his pocket or that he was not having any knowledge about the diamond necklace recovered from his possession. It is established by the prosecution that the necklace was belonging to Smt. C, the wife of the complainant B and that when complainant found that someone had stolen it, he made the complaint to the police who had searched everybody present there and the necklace was found from the coat of the accused A.
16. In nutshell, from the above noted established facts and circumstances of the case, the prosecution has successfully proved all the necessary ingredients for the offences punishable U/s 380 IPC for commission of theft from the dwelling house of the complainant B. Also, it was duly proved that the recovery of the stolen property i.e. the necklace was made from the exclusive possession of the accused which was retained by him despite having reasons to believe that the same was a stolen property, to prove the offence punishable U/s 411 IPC and that nothing contrary could be proved on record, on behalf of accused, to prove his defence that remained a mere contention.
17. Therefore, on the basis of above noted factual matrix, duly established on record, the accused A is found guilty for the offences U/s 380 / 411 IPC.
18. Thus, the accused is convicted for the offences U/s 380/411 IPC.
19. The accused has a right of appeal against this order of conviction. He is being provided the copy of the judgment free of cost.

Announced and delivered in the open Court  
Today on 25.05.2003.

ABC (Signature)  
JM (FIRST),  
DIST.-N, ALLAHABAD, U.P.

**Order on sentence**

Date : 25.05.2003

Present –                      Ld. Addl. P.P. for the State  
   Sh. SRG, Ld. Counsel for the Accused  
   Convict A

Heard the argument on sentence.

It is submitted on behalf of convict that he is a peace loving person, a married young man of 38 years of age, has clean antecedents, having no previous involvement or conviction in any case. He has a family of six dependents and a sole bread earner of the family and that his family consisting of two minor children who are school going and marriageable daughter in the family. He seeks mercy of the court and a liberal minimum punishment.

On the other hand, Ld. APP on behalf of State has argued that the accused warrants a severe punishment, to have an exemplary impact to prevent the potential criminal to adopt the same behavior in given facts and circumstances.

On having heard the parties, considering the change of philosophy of punishment from retribution to restitution and from victim oriented justice to accused oriented justice, observing the mitigating circumstances that the recovery of the case property was effected on the spot itself and that the accused is a first offender having clean antecedents otherwise, a burden of his dependent family being he the sole bread earner for his family, the court is of the considered view, that the ends of justice shall be met if the accused is

- (i) Sentenced for a terms of 2 years' imprisonment for the offence punishable u/s 380 IPC and a fine of Rs.10,000/- and in default of fine, two months imprisonment, in addition to the above noted imprisonment.
- (ii) Sentenced for a terms of 1 year imprisonment for the offence punishable u/s 411 IPC and a fine of Rs.5,000/- and in default of fine, one month imprisonment in addition to the above noted imprisonment.
- (iii) Both the sentences shall run concurrently with benefit u/s 428 Cr.P.C.
- (iv) The period of imprisonment, already undergone by the accused during trial shall be set of against the period of sentence awarded. If he has already undergone the period of imprisonment upto the period of sentence awarded then he shall be set at liberty.

In the era of compensatory justice, the amount of fine of Rs.15,000/-, if so recovered, from the accused shall be released in favour of the complainant as a token of compensatory justice.

The accused has a right of appeal against this order of conviction. He is being provided the copy of the judgment free of cost.

Announced and delivered in the open Court  
Today on 25.05.2003.

ABC (Signature)  
JM (FIRST),  
DIST.-N, ALLAHABAD, U.P.

**Order**

Date : 25.05.2003

Present –                      Ld. Addl. P.P. for the State  
   Sh. SRG, Ld. Counsel for the Accused  
   Convict A

Vide judgment dated 25.05.2003, the accused was found guilty for the offences punishable u/s 380/411 IPC.

As the offence u/s 380 IPC is punishable upto the period of 7 years of imprisonment and the court of the considered view that the accused who is found guilty, could be sentenced for a more severe punishment than that of the competence of this Court in awarding sentence, thus, the matter / proceedings are referred to Ld. CJM u/s 325 Cr.P.C. with the request for passing of the appropriate sentence or for passing appropriate orders in this case.

The Ahlmad is directed to send the complete record of the proceedings to the court of Ld. CJM on or before 26.05.2003.

The parties are directed to appear before the court concerned of Ld. CJM on 26.05.2003 for appropriate orders / directions.

ABC (Signature)  
JM (FIRST),  
DIST.-N, ALLAHABAD, U.P.

**Order on sentence**

**IN THE COURT OF SH. LMN, CJM, DIST. - N, AREA M, ALLAHABAD, U.P.**

**FIR No: ----/2003  
U/s 380/411 IPC  
P.S. K, Allahabad**

**State Vs. A S/o Sh. R .... Accused  
R/o xyz, Dist.-N, Area-M, U.P.**

Date : 26.05.2003

Present – Ld. Addl. P.P. for the State  
Sh. SRG, Ld. Counsel for the Accused  
Convict A

1. Vide order/judgment dated 25.05.2003 of the court of Ld. JM (First), the accused A is convicted for the offence punishable u/s 380/411 IPC.
2. Heard on the point of sentence.

It is submitted on behalf of convict that he is a peace loving person, a married young man of 32 years of age, has clean antecedents, having no previous involvement or conviction in any case. He has a family of six dependents and a sole bread earner of the family and that his family consisting of two minor children who are school going and marriageable daughter in the family. He seeks mercy of the court and a liberal minimum punishment.

On the other hand, Ld. APP on behalf of State has argued that the accused warrants a severe punishment, to have an exemplary impact to prevent the potential criminals to adopt the same behavior in given facts and circumstances.

3. On the point of sentence, the Hon'ble Apex Court in case titled as ***Siddarama & Ors. V State of Karnataka, (2007) 1 SCC (Cri) 72***, has observed that,

*'The object should be to protect the society and to deter the criminal in achieving the avowed object to law by imposing appropriate sentence. It is expected that the courts would operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern where it should be.*

*Imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise.*

*Shockingly large number of criminals go unpunished thereby increasingly, encouraging the criminals and in the ultimate making justice suffer by weakening the system's creditability. The imposition of appropriate punishment is the manner in which the Court responds to the society's cry for justice against the criminal. Justice demands that Courts should impose punishment befitting the crime so that the Courts reflect public abhorrence of the crime. The Court must not only keep in view the rights of the criminal but also the rights of the victim of the crime and the society at large while considering the imposition of appropriate punishment'.*

4. Thus, in view of above-noted observations, it is observed that the protection of society by stamping out criminal proclivity is essential function of state, that can be achieved only by imposing appropriate sentence, if a balance in the criminal justice system is to be created.
5. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused and all other attending circumstances are relevant factors to be considered for imposing appropriate sentence but no definite formula relating to imposition of sentence can be formulated.
6. The object & the basic purpose of sentencing is that the offender does not go unpunished and the justice be done to the victim of crime and the society. It is, therefore, the abundant duty of every court of law to award proper & appropriate sentence having regard to the nature of the offence and the manner in which it was executed or committed.
7. In nutshell, the measure of the punishment depends upon the gravity of the crime & social expectations from the system. Imposition of appropriate punishment is the way adopted by the courts for responding to the society's desire for justice against the criminals. Justice demands that courts should impose punishment absolutely fitting to the crime. Thus, the Courts are expected to maintain the balance between accused-oriented-justice & victim oriented-justice and must keep in view not only the rights of the criminal but also the rights of the victim of crime and the expectation of the society at large while considering imposition of appropriate punishment.

8. Considering the facts and circumstances of the case, the nature of crime, the individual & family circumstances of the accused, all the mitigating as well as incriminating circumstances of the accused, keeping in view the totality of the circumstances, the court is of the considered view that the ends of justice would be met, if the convict **A** is sentenced to:-
- i) *For the offence punishable under Section 380 IPC, the convict **A** shall be sentenced to **Imprisonment for 6 Years** and a fine of Rs.20,000 /-. In default of payment of fine, the convict shall also undergo Simple Imprisonment for a period of **6 months**.*
  - ii) *For the offence punishable under Section 411 IPC, the convict **A** shall be sentenced to **Imprisonment for 2 Years** and a fine of Rs.10,000 /-. In default of payment of fine, the convict shall also undergo Simple Imprisonment for a period of **3 months**.*
  - iii) *Both the sentence shall run concurrently.*
  - iv) *A benefit of section 428 Cr.PC be given to the accused to set of the sentence with the period of imprisonment which the accused had already undergone during trial.*
9. In this era of victim-oriented-justice, u/s 357 Cr.PC, it is also ordered that in case, the fine of Rs.30,000/-, so imposed, if recovered, it should be reimbursed to the complainant, as a token of compensatory justice, in view of the settled law in case titled as **Satya Prakash Vs. State cited as IV (2013) DLT (Cri) 401**.

The compensation shall be released on expiry of period of appeal to the victim.

The accused has a right of appeal against this order of conviction. He is being provided the copy of the judgment / orders free of cost.

Announced and delivered in the open Court  
Today on 26.05.2003.

LMN (Signature)  
CJM, DIST.-N,  
ALLAHABAD, U.P.