

SUSHIL ANSAL

A

v.

STATE THROUGH CBI

(Criminal Appeal No. 597 of 2010)

B

AUGUST 19, 2015

**[ANIL R. DAVE, KURIAN JOSEPH AND
ADARSH KUMAR GOEL, JJ]**

Sentence/Sentencing – Uphaar cinema case – Negligence of A 1 and A 2-owners of cinema resulting in death of 59 people – Conviction of accused for offences punishable u/s. 304A read with s. 36 and ss. 337 and 338 rw s. 36 IPC – As regards sentencing of the accused, direction issued that accused to be sentenced to undergo rigorous imprisonment for two years – However, in view of the advanced age of the accused and other peculiar facts and circumstances, on payment of Rs. 30 crores each by the accused within three months, sentence to be reduced to the period already undergone – Said amount would be used on welfare schemes.

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CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 597 of 2010

From the Judgment and Order dated 19.12.2008 of the Hon'ble High Court of Delhi at New Delhi in Criminal Appeal No. 794 of 2007

F

WITH

Crl. A. Nos. 598 of 2010

G

Ram Jethmalani, Gopal Jain, Salman Khurshid, Sr. Advs., Vikas Agarwal, Madhukar, Vinay Arora, Sudarshan Singh Rawat, Sanjay Jain, Ms. Lata Krishnamurthy, Anirudh Anand,

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- A Somnath Gaur, Ajay Awasthi, Chirag Madan, Ms. P. R. Mala, Mohit D. Ram, Ms. Monisha Handa, Sanjay Narayan, Ms. Shabeena Anjuna, Aseem Mehrotra, Abhijat P. Medh, Advs., with them for the Appellant.
- B K. T. S. Tulsi, Harish N. Salve, Sr. Advs., Jayant K. Mehta, A. Faraz Khan, Ms. Ambika Mehta, Ms. Priyanka Aggarwal, Ms. Mandarini Singh, Ms. Aparajita, T.A. Khan, (For B. Krishna Prasad), Advs., with them for the Respondent.

C The following Order of the Court were delivered

ORDER

D For the reasons to be recorded hereafter, we direct that A-1 Sushil Ansal and A-2 Gopal Ansal shall stand sentenced to undergo rigorous imprisonment for two years. However, having regard to advanced age of the accused and other peculiar facts and circumstances, if they pay Rs.30 crores each, i.e. Rs.60 crores, then the sentence will stand reduced to the period already undergone. If they fail to pay the aforestated amount within a period of three months from today, they shall undergo the sentence of two years each, excluding the term which they have already undergone.

E The aforestated amount shall be given by way of a demand draft to the Chief Secretary of Delhi Government for setting up a new trauma centre or for upgrading the existing trauma centres of hospitals managed by the Government of NCT of Delhi.

G Nidhi Jain

Appeal disposed of with directions.