

HARSARUP PANWAR

A

v.

STATE OF DELHI THROUGH CBI

(Criminal Appeal No. 599 of 2010)

B

AUGUST 19, 2015

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

Sentence/Sentencing – Uphaar cinema case – Negligence of owners of cinema, Divisional Fire Officer-A 15 and others resulting in death of 59 people – Conviction of A 15 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 one year – However, in view of the advanced age of the accused, the diseases from which he is suffering and other peculiar facts and circumstances, on payment of Rs. 10 lakhs 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. 599 of 2010

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From the Judgment and Order dated 19.12.2008 of the Hon'ble High Court of Delhi at New Delhi in Criminal Appeal No. 4 of 2008

Ram Jethmalani, Gopal Jain, Salman Khurshid, Sr. Advs., Vikas Agarwal, Madhukar, Vinay Arora, Sudarshan Singh Rawat, Sanjay Jain, Ms. Lata Krishnamurthy, Anirudh Anand, Somnath Gaur, Ajay Awasthi, Chirag Madan, Ms. P. R. Mala, Mohit D. Ram, Ms. Monisha Handa, Sanjay Narayan, Ms.

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A Shabeena Anjuna, Aseem Mehrotra, Abhijat P. Medh, Advs.,
with them for the Appellant.

K.T.S. Tulsì, Harish N. Salve, Sr. Advs., Jayant K. Mehta,
A. Faraz Khan, Ms. Ambika Mehta, Ms. Priyanka Aggarwal,
B Ms. Mandarini Singh, Ms. Aparajita, T.A. Khan, (For B. Krishna
Prasad), Advs., with them for the Respondent.

The following Order of the Court was delivered

ORDER

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For the reasons to be recorded hereafter, we direct that
A-15 Harsarup Panwar shall stand sentenced to undergo
rigorous imprisonment for one year. However, having regard
to advanced age and the diseases from which he is suffering,
D and other peculiar facts and circumstances, if he pays Rs. 10
lakhs, then the sentence will stand reduced to the period
already undergone. If he fails to pay the aforestated amount
within three months from today, he shall undergo the sentence
of one year, excluding the term which he has already
E undergone.

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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
F trauma centres of hospitals managed by the Government of
NCT of Delhi.

Nidhi Jain

Appeal disposed of with directions.