2026 INSC 164

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. .....OF 2026
(ARISING OUT OF SLP (CRIMINAL) NO. 7495 OF 2021)

PARAMESHWARI **....APPELLANT(S)**

VERSUS

THE STATE OF TAMIL NADU & ORS. **...RESPONDENT(S)**

J U D G M E N T

VIJAY BISHNOI, J.

"नृपस्य परमो धर्मः प्रजानां परिपालनम्।

दुष्टानां ग्रहणं नित्यं नित्यानां च विनाशनम्॥"

The supreme objective of law is the protection of society and creating a deterrence against crime by imposing adequate punishment.

Leave Granted.

2. This appeal has been preferred by the Appellant challenging the Judgment dated 18.12.2020 (hereinafter referred to as "**impugned judgment**") passed in **Crl. R.C. (MD) No. 121 of 2016** by the High Court of Judicature at Madras, Madurai Bench (hereinafter referred to as "**the High Court**") wherein the criminal revision filed by the Respondent No. 2 and Respondent No. 3 (hereinafter referred to as **"Private Respondents"**) was allowed by the High Court. The High Court upheld the conviction of Private Respondents for the offences punishable under Section 307, 326 and 324 of the Indian Penal Code, 1860 (hereinafter referred to as **"IPC"**), but it modified the sentence awarded to them from three years rigorous imprisonment along with a fine of ₹ 5,000/- each (totalling to ₹ 10,000/-) to period already undergone with an enhanced fine of ₹ 50,000/- each (totalling to ₹ 1,00,000/-).

FACTUAL MATRIX

3. As per the prosecution story, Crime No. 142/2009 was registered at Thiruppachethi Police Station, wherein it was alleged that there was previous enmity between the victim and the Private Respondents. On 06.06.2009 at about 03.00 PM, the Private Respondents came with knives, while the other two accused persons came with sticks. The Private Respondents stabbed the victim with knives on the left side of the chest, in the left rib, abdomen, and on the right hand palm. The other accused persons attacked the victim with sticks, causing minor injuries. Further, it was also alleged that the Private Respondents, along with the other accused persons, have used abusive language against the victim.

4. During the investigation, the Private Respondents and the other accused persons were arrested, and based on the confessional statement of one of the other accused persons, the knives used for committing the offence were discovered. Further, the Police recorded the statements of the victim and other witnesses. After completion of the investigation, a

charge sheet dated 25.06.2009 was filed under Sections 294(b), 323, 324, 326, and 307 of IPC against all the accused persons (including the Private Respondents) before the Addl. District Munsif cum Judicial Magistrate Court, Manamadurai.

5. Subsequently, the Addl. District Munsif cum Judicial Magistrate Court, Manamadurai, committed the case to the District and Sessions Court, Sivagangai, which framed charges under Sections 294(b), 326, and 307 of the IPC against Respondent No 2 and under Sections 294(b), 324, and 307 of the IPC against Respondent No 3, and under Sections 294(b) and 323 of the IPC against the other accused persons. Thereafter, the case was transferred by the District and Sessions Court, Sivagangai, to the Chief Judicial Magistrate cum Subordinate Court/ Assistant Sessions Judge, Sivagangai (hereinafter referred to as "**Trial Court**").

6. During the trial, the complainant Rajendran (hereinafter referred to as "**PW1**"), deposed that he knew the accused persons, including the Private Respondents, as they

belonged to his village. Further, PW1 reiterated the complaint and stated that he took the victim to the Thiruppachethi Police Station and lodged the complaint. Further, the Appellant herein was examined as PW3, and the victim was examined as PW2. Additionally, Dr. Prabhakaran, who was examined as PW9, identified that the victim had sustained four stab injuries, and that these types of injuries, if not immediately treated, could be life-threatening.

7. After analysing all the evidence produced before it, the Trial Court *vide* its final order and judgment dated 28.11.2013, convicted the Private Respondents under Section 307, 326 and 324 of the IPC. The Trial Court held that the evidence of PW1, PW9, and the Appellant herein were corroborating the evidence of the Victim. Further, the other accused persons were acquitted of the charge under Section 323 of the IPC, as the prosecution failed to prove their guilt beyond a reasonable doubt. Additionally, the Trial Court acquitted all the accused persons, including the

Private Respondents, of the charge framed under Section 294(b) of the IPC.

8. Accordingly, the Trial Court sentenced the Private Respondents to undergo rigorous imprisonment of three years and to pay a fine of ₹ 5,000/- each, and failing which to undergo a simple imprisonment for a period of one month, under Section 307 of the IPC. It further held that there was no requirement to award separate sentences under Sections 326 and 324 of the IPC.

9. Aggrieved, the Private Respondents filed Crl. Appeal No. 55/2013 before the District Sessions Fast Track Mahila Court, Sivagangai, challenging the judgment and final order dated 28.11.2013 passed by the Trial Court.

10. The District Sessions Fast Track Mahila Court, Sivagangai *vide* judgment and final order dated 23.02.2016, dismissed the appeal preferred by the Private Respondents and upheld the conviction and sentence awarded by the Trial Court. The District Sessions Fast Track Mahila Court, Sivagangai, held that the Private Respondents with the

motive and intention to murder the victim, have inflicted the injuries on the victim. Additionally, they had the knowledge that causing such bodily injury is sufficient in the ordinary course of nature to cause death, and hence, the charge under Section 307 of IPC is proved beyond doubt. Further, it was also held that the occurrence of the incident had been sufficiently corroborated by the oral evidence and medical evidence on record.

11. Aggrieved, the Private Respondents preferred Criminal Revision bearing Crl. R.C. (MD) No.121 of 2016 before the High Court against the judgment dated 23.02.2016 passed by the District Sessions Fast Track Mahila Court, Sivagangai. During the pendency of the same, the victim passed away on 10.04.2017 under circumstances not germane to the present case. It appears that during the pendency of the Criminal Revision bearing Crl. R.C. (MD) No.121 of 2016, the Appellant herein (wife of the victim) was impleaded as Respondent No. 2 pursuant to the order dated 13.08.2019 passed by the High Court.

12. Before the High Court, it was contended by the Private Respondents that more than 10 ½ years had elapsed since the occurrence of the alleged incident, and some other persons had also murdered the victim. The Private Respondents did not challenge their guilt; however, they depicted their willingness to pay a sum of ₹ 1,00,000/- (₹ 50,000/- each) to the Appellant herein.

13. Accepting the aforesaid contentions raised on behalf of the Private Respondents, the High Court *vide* impugned judgment, confirmed the conviction of the Private Respondents but modified the sentence from rigorous imprisonment for three years to the period of imprisonment already undergone by them, i.e., two months. Further, the High Court also enhanced the amount of the fine imposed on the Private Respondents from ₹ 5,000/- each (totalling to ₹ 10,000/-) to a further sum of ₹ 50,000/- each (totalling to ₹ 1,00,000/-). The impugned judgment is reproduced hereinbelow for reference:

"ORDER

1. The revision petitioners were prosecuted for the offences under Sections 294(b), 323, 324, 326 and 307 of I.P.C. on the file of the Chief Judicial Magistrate/Assistant Sessions Judge, Sivagangai.

2. In support of the charges, the prosecution examined as many as ten witnesses. The case of the prosecution is that the accused herein stabbed the victim in the abdomen. The victim was said to have been in hospital for about 20 days. P.W.1 was the complainant. P.W.2 was the injured witness. P.W.3 who is the second respondent herein is the wife of P.W.2. The trial Judge, after going through the evidence on record came to the conclusion that the prosecution had proved its case beyond reasonable doubt. Vide Judgment dated 28.11.2013, the learned trial Judge convicted both the petitioners herein for the offences under Section 307 of I.P.C. and sentenced each of them to undergo three years Rigorous Imprisonment. Fine of Rs.5,000/- was also imposed. Though they were also convicted for the other charges, no separate sentence was awarded. Though there were two other accused in this case, namely, accused Nos.3 and 4, they were acquitted. The same was put to challenge in C.A.No.55 of 2013. Vide Judgment dated 23.02.2016, the learned appellate Judge confirmed the conviction Judgment of the trial Court and dismissed the appeal. Challenging the same, this criminal revision case came to be filed.

3. Even before commencing the argument, the learned counsel appearing for the revision petitioners submitted that having regard to the evidence on record, he would not challenge the finding of guilt. He only seeks modification in the matter of sentence. He pointed out that the occurrence had taken place way back in June 2009. More than 10½ years have elapsed. The petitioners did not come under any adverse notice either before or after the occurrence. The victim had been murdered by some other persons a few years later. The petitioners are willing to pay a sum of Rs.1,00,000/-as compensation (Rs.50,000/-each) to the wife of the victim.

4. The petitioners had been in prison for about two months. Taking note of all these aspects, even while confirming the conviction imposed on the petitioners, the sentence of imprisonment imposed on the petitioners is modified to the period already undergone by them. The fine amount of

Rs.5,000/- each imposed on them is enhanced and the petitioners are directed to pay a further sum of Rs.50,000/- each (Totally Rs.1,00,000/-). The enhanced fine amount will be paid by the petitioners within a period of eight weeks from the date of receipt of a copy of this order. The enhanced fine amount to be paid by the petitioners will be handed over by the Court below to the wife of the victim as compensation. The second respondent herein Parameshwari, wife of the victim is represented by her counsel. If the petitioners fail to deposit the enhanced fine amount, they will have to undergo one year Rigorous Imprisonment by way of default sentence.

5. In this view of the matter, the sentence imposed by the impugned Judgment is modified and this criminal revision case is partly allowed."

CONTENTION OF THE PARTIES

14. Learned Counsel for the Appellant, Mr. A Velan, herein primarily contended that the reduction of sentence to the period already undergone by the High Court is illegal and misplaced. It was submitted that the sentence must be commensurate with the seriousness of the crime, as held by this Court in ***State of Madhya Pradesh vs. Suresh*** reported in (2019) 14 SCC 151, wherein it was observed that it is the duty of the Court to award just and adequate punishment to the wrongdoer, in proportion with the gravity of the crime. Reliance was also placed on the judgment of this Court passed in ***State of Madhya Pradesh vs.***

Kashiram & Ors reported in (2009) 4 SCC 26, mentioning that mere lapse of time is not a mitigating factor. Additionally, with regard to compensating the victim's family, it was contended that additional compensation to a victim who has passed away is fruitless. The learned counsel, thus, contended that by relying on irrelevant factors and reducing the sentence without cogent reasons, the High Court exceeded its revisional jurisdiction.

15. Mr. V. Krishnamurthy, Learned Additional Advocate General (hereinafter referred to as "**AAG**") for the State of Tamil Nadu, in tandem with the arguments led by the counsel of Appellant, submitted that the High Court failed to state cogent reasons for such a reduction in sentence, which is an essential requirement as reiterated by this Court in ***State of Madhya Pradesh vs. Mohan and others*** reported in (2013) 14 SCC 116**.** The learned AAG has also stated that freeing the accused of punishment would lead them to flee from justice and might harm society as a whole. It was further submitted that the punishment must be

commensurate with the gravity of the crime and that herein, the High Court, while exercising its revisionary powers, showed undue sympathy in reducing the sentence. He has also pointed out to the fact that a three-year sentence as imposed by the trial Court would not be improper based on the heinous nature of the crime.

16. Mr. M.P. Parthibhan, learned counsel appearing for the Private Respondents have contended before us that the judgment of the High Court could not be faulted with as the High Court had passed the order of reducing the sentence after due consideration of all the relevant factors including the time lapsed since the incident, the death of the victim (attributable to murder in some other incident), and the antecedents of the Private Respondents. It was further contended that the Private Respondents were willing to pay ₹ 1,00,000/- (₹ 50,000/- each) as compensation to the family of the victim and accordingly, the High Court had rightly reduced the sentence from rigorous imprisonment for three years to the period already undergone, i.e., 2 months and

increased the amount of fine from ₹ 10,000/- (₹ 5,000/- each) to ₹ 1,00,000/- (₹ 50,000/- each). It was further contended by the learned counsel for Private Respondents that the High Court precisely took note of all the relevant factors in reducing the sentence and increasing the fine amount so as to reinforce the spirit of the criminal justice system by affording the opportunity for reformation to the Private Respondents.

ANALYSIS

17. To appreciate the contentious submissions made at the bar, we have meticulously perused the petition and appreciated the materials on record and the judgments of the subordinate Courts. The only question that requires determination in this appeal is whether the High Court was justified in reducing the sentence awarded to the Private Respondents.

18. It is required to be stated outrightly that the Trial Court convicted the accused persons under Section 307, 324 and 326 of the IPC and sentenced them to undergo rigorous

imprisonment of three years and a fine of ₹ 5,000/- each (totalling to ₹ 10,000/-). The High Court vide impugned judgment maintained the conviction; however, it reduced the sentence to the period already undergone, i.e., 2 months, in a case wherein the accused persons inflicted life-threatening injuries to the victim in an assault.

19. We are constrained to observe that the High Court acted in complete defiance of the law and created a travesty of the established criminal jurisprudence in arriving at its conclusion. The High Court in the impugned judgment noted that more than 10 ½ years had elapsed since the incident and that the victim had been murdered by some other persons a few years later. Based on these aspects, the High Court modified the sentence awarded to the accused persons. Apart from the above, the High Court failed to reason out the circumstances, acting on which, it reduced the sentence for such a heinous offence and thereby, erred in not applying its judicial mind to accurately decide the sentence.

20. Before we jump into the merits of the case, it is quintessential to touch upon the foundational aspects of criminal jurisprudence, including punishment, penology and victimology.

21. While deliberating upon the desirability of punishment, Prof. HLA Hart observed:

> "*We do not live in society in order to condemn though we may condemn in order to live.*" (HLA Hart's *Punishment and Responsibility*, pp. 182)

The objective of punishment is not to seek vengeance for the crime, rather, it is an attempt to reconstruct the damaged social fabric of society in order to pull back its wheel on the track.

22. The objective of punishment is to create an effective deterrence so that the same crime/actions are prevented and mitigated in future. The consideration to be kept in mind while awarding punishment is to ensure that the punishment should not be too harsh, but at the same time,

it should also not be too lenient so as to undermine its deterrent effect.

23. This Court, in the judgment of ***Hazara Singh vs. Raj Kumar and others*** reported in (2013) 9 SCC 516, held that the cardinal principle of sentencing policy is that the sentence imposed on an offender should be commensurate to the crime committed and be proportionate to the gravity of the offence. This Court therein held as under:

> **"11.** *The cardinal principle of sentencing policy is that the sentence imposed on an offender should reflect the crime he has committed and it should be proportionate to the gravity of the offence. This Court has repeatedly stressed the central role of proportionality in sentencing of offenders in numerous cases.*
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> ***17.*** *We reiterate that in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. 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, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration. We also reiterate that undue sympathy to impose inadequate sentences would do more harm to the justice system to undermine the public confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment."*
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> **(*emphasis supplied*)**

24. This objective was also reiterated by this Court in a catena of judgments (see: ***Ahmed Hussein Vali Mohammed Saiyed and Another vs. State of Gujarat*** reported in (2009) 7 SCC 254); ***Guru Basvaraj Alias Benne Settappa vs. State of Karnataka*** reported in (2012) 8 SCC 734 and various others) wherein it was held that the object of awarding appropriate sentences is that society should be protected and the crimes should be deterred. The balancing has to be done between the rights of the accused and the needs of the society at large.

25. This Court in the judgment of ***State of M.P. vs. Saleem Alias Chamaru and Another*** reported in (2005) 5 SCC 554 was dealing with the validity of the judgment of the High Court wherein the High Court had reduced the sentence awarded to the accused (in conviction under Sections 307 and 330 of the IPC) from 5 years to the period already undergone, i.e., six months and 23 days. This Court, therein, while setting aside the judgment of the High Court, held that undue sympathy shown towards the accused while

imposing an inadequate sentence would do more harm to society and erode the trust of the public in the justice system. The Court therein held as follows:

> *"...6. Undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc. This position was illuminatingly stated by this Court in Sevaka Perumal v. State of T.N. [(1991) 3 SCC 471 : 1991 SCC (Cri) 724 : AIR 1991 SC 1463]*
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> *7. After giving due consideration to the facts and circumstances of each case, for deciding just and appropriate sentence to be awarded for an offence, the aggravating and mitigating factors and circumstances in which a crime has been committed are to be delicately balanced on the basis of really relevant circumstances in a dispassionate manner by the court. Such act of balancing is indeed a difficult task. It has been very aptly indicated in Dennis Councle McGautha v. State of California [402 US 183 : 28 L Ed 2d 711 (1971)] that no formula of a foolproof nature is possible that would provide a reasonable criterion in determining a just and appropriate punishment in the infinite variety of circumstances that may affect the gravity of the crime. In the absence of any foolproof formula which may provide any basis for reasonable criteria to correctly assess various circumstances germane to the consideration of gravity of crime, the discretionary judgment in the facts of each case, is the only way in which such judgment may be equitably distinguished.*
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> *8. The object should be to protect society and to deter the criminal in achieving the avowed object of 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.*

9. Imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise. The social impact of the crime e.g. where it relates to offences against women, dacoity, kidnapping, misappropriation of public money, treason and other offences involving moral turpitude or moral delinquency which have great impact on social order and public interest, cannot be lost sight of and per se require exemplary treatment. Any liberal attitude by imposing meagre sentences or taking too sympathetic view merely on account of lapse of time in respect of such offences will be resultwise counterproductive in the long run and against societal interest which needs to be cared for and strengthened by a string of deterrence inbuilt in the sentencing system.

10. The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should "respond to the society's cry for justice against the criminal"."

26. The view taken by this Court in ***Saleem*** (supra) has been consistently reiterated by this Court in a series of judgments, including ***State of Punjab vs. Saurabh Bakshi*** reported in (2015) 5 SCC 182, ***State of Punjab vs. Dil Bahadur*** reported in (2023) 18 SCC 183 and several others.

27. This Court, while again discussing the same issue in ***Suresh*** (supra) reiterated that the Courts must keep in mind several factors, while imposing or reducing the sentence of

any accused. The Court therein also held that sentencing is awarding just and adequate punishment to the wrongdoer, and is the primary duty of the courts. The relevant portion of the said judgment is reproduced herein under:

> *"11. In State of M.P. v. Ghanshyam Singh [State of M.P. v. Ghanshyam Singh, (2003) 8 SCC 13 : 2003 SCC (Cri) 1935] , relating to the offence punishable under Section 304 Part I IPC, this Court found sentencing for a period of 2 years to be too inadequate and even on a liberal approach, found the custodial sentence of 6 years serving the ends of justice. This Court underscored the principle of proportionality in prescribing liability according to the culpability; and while also indicating the societal angle of sentencing, cautioned that undue sympathy leading to inadequate sentencing would do more harm to the justice system and undermine public confidence in the efficacy of law. This Court observed, inter alia, as under: (SCC pp. 19-21, paras 12-15, 17 & 19)*
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> > *"12. Therefore, undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc. This position was illuminatingly stated by this Court in Sevaka Perumal v. State of T.N. [Sevaka Perumal v. State of T.N., (1991) 3 SCC 471 : 1991 SCC (Cri) 724]*
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> > *13. Criminal law adheres in general to the principle of proportionality in prescribing liability according to the culpability of each kind of criminal conduct. It ordinarily allows some significant discretion to the Judge in arriving at a sentence in each case, presumably to permit sentences that reflect more subtle considerations of culpability that are raised by the special facts of each case. Judges, in essence, affirm that*

punishment ought always to fit the crime; yet in practice sentences are determined largely by other considerations. Sometimes it is the correctional needs of the perpetrator that are offered to justify a sentence, sometimes the desirability of keeping him out of circulation, and sometimes even the tragic results of his crime. Inevitably, these considerations cause a departure from just deserts as the basis of punishment and create cases of apparent injustice that are serious and widespread.

14. Proportion between crime and punishment is a goal respected in principle, and in spite of errant notions, it remains a strong influence in the determination of sentences. The practice of punishing all serious crimes with equal severity is now unknown in civilised societies, but such a radical departure from the principle of proportionality has disappeared from the law only in recent times. Even now for a single grave infraction drastic sentences are imposed. Anything less than a penalty of greatest severity for any serious crime is thought then to be a measure of toleration that is unwarranted and unwise. But in fact, quite apart from those considerations that make punishment unjustifiable when it is out of proportion to the crime, uniformly disproportionate punishment has some very undesirable practical consequences.

15. After giving due consideration to the facts and circumstances of each case, for deciding just and appropriate sentence to be awarded for an offence, the aggravating and mitigating factors and circumstances in which a crime has been committed are to be delicately balanced on the basis of really relevant circumstances in a dispassionate manner by the court. Such act of balancing is indeed a difficult task. It has been very aptly indicated in McGautha v. California [McGautha v. California, 1971 SCC OnLine US SC 89 : 28 L Ed 2d 711 : 402 US 183 (1971)] that no formula of a foolproof nature is possible that would provide a reasonable criterion in determining a just and appropriate punishment in the infinite variety of circumstances that may affect the gravity of the crime. In the absence of

any foolproof formula which may provide any basis for reasonable criteria to correctly assess various circumstances germane to the consideration of gravity of crime, the discretionary judgment in the facts of each case is the only way in which such judgment may be equitably distinguished.

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17. Imposition of sentence without considering its effect on the social order in many cases may be in reality a futile exercise. The social impact of the crime e.g. where it relates to offences against women, dacoity, kidnapping, misappropriation of public money, treason and other offences involving moral turpitude or moral delinquency which have great impact on social order and public interest cannot be lost sight of and per se require exemplary treatment. Any liberal attitude by imposing meagre sentences or taking too sympathetic a view merely on account of lapse of time in respect of such offences will be resultwise counterproductive in the long run and against societal interest which needs to be cared for and strengthened by a string of deterrence inbuilt in the sentencing system.

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19. Similar view has also been expressed in Ravji v. State of Rajasthan [Ravji v. State of Rajasthan, (1996) 2 SCC 175 : 1996 SCC (Cri) 225] . It has been held in the said case that it is the nature and gravity of the crime but not the criminal, which are germane for consideration of appropriate punishment in a criminal trial. The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should 'respond to the society's cry for justice against the criminal'."

(emphasis supplied)

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13. Therefore, awarding of just and adequate punishment to the wrongdoer in case of proven crime remains a part of duty of the court. The punishment to be awarded in a case has to be commensurate with the gravity of crime as also with the relevant facts and attending circumstances. Of course, the task is of striking a delicate balance between the mitigating and aggravating circumstances. At the same time, the avowed objects of law, of protection of society and responding to the society's call for justice, need to be kept in mind while taking up the question of sentencing in any given case. In the ultimate analysis, the proportion between the crime and punishment has to be maintained while further balancing the rights of the wrongdoer as also of the victim of the crime and the society at large. No straitjacket formula for sentencing is available but the requirement of taking a holistic view of the matter cannot be forgotten.

14. In the process of sentencing, any one factor, whether of extenuating circumstance or aggravating, cannot, by itself, be decisive of the matter. In the same sequence, we may observe that mere passage of time, by itself, cannot be a clinching factor though, in an appropriate case, it may be of some bearing, along with other relevant factors. Moreover, when certain extenuating or mitigating circumstances are suggested on behalf of the convict, the other factors relating to the nature of crime and its impact on the social order and public interest cannot be lost sight of."

28. At this juncture, it is also imperative for us to mention that retribution is not the ultimate aim of our criminal justice system, rather it hinges on principles of reformation and restitution. The criminal justice system aims to achieve the twin objectives of creating a deterrence against crime and also providing an opportunity for reformation to the

offender. Due consideration has also been provided by our legal system to the rights of the victim, who essentially are the first sufferers of the crime.

29. Section 395 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (herein referred to as ***"BNSS"***) (alternatively Section 357 of the Criminal Procedure Code, 1973) recognises the loss caused to the victim and accordingly provides for granting monetary compensation to the victim. The said provision of victim compensation is not an alternative to the sentence or punishment imposed, however, the compensation is just an addition to the sentence already awarded.

30. The provision of victim compensation finds its roots in victimology, which acknowledges victims as the primary sufferers of the crime and advocates the idea of providing some relief to the victims from their grief and suffering. The rationale behind victim compensation is to rehabilitate the victim for the loss and injury caused to them as a direct

consequence of the crime or offence and not to exonerate the offender/accused from their culpability.

31. The practice of enhancing the compensation payable to the victim and reducing the sentence, especially in cases of grave offence, is dangerous as it might send a wrong message to society that the offenders/accused persons can absolve themselves from their liability by merely paying a monetary consideration.

32. Compensation payable to the victim is only restitutory in nature, and it cannot be considered as equivalent to or a substitute for punishment. Punishment is punitive in nature, and its object is to create an adequate deterrence against the said crime and to send a social message to the miscreants that any violation of the moral turpitude of society would come with consequences, which cannot merely be "*purchased by money*".

33. It would be apt to discuss the judgment of this Court in the ***Shivani Tyagi vs. State of U.P. & Another*** reported in 2024 SCC OnLine SC 842, wherein this bench through

one of us (Rajesh Bindal, J.) while concurring with the judgment was dealing with a horrendous situation where in an offence related to acid attack, the High Court suspended the sentence of the accused in lieu of payment of ₹ 25 lakhs to the victim for medical treatment. The High Court went to the extent of directing the payment to be deposited with the court when the victim refused to accept the said amount. This Court while setting aside the judgment of the High Court termed that such payment was kind of "Blood Money" to the victim by the offenders. The relevant extracts from the said judgment are reproduced herein below:

> *"22. From the facts it can safely be noticed that there is no question of acceptance of money by the victim as she has challenged the order of suspension of sentence of the private respondents.*
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> *27. The impugned order passed by the High Court is perused. Specifically the order dated 21.02.2024 passed in the Correction Application. The order does not suggest that there was any consideration of the parameters laid down by this court for grant of bail or suspension of sentence. Instead, the High Court had noticed and directed that the convicts have offered to pay compensation to the victim for grant of suspension of sentence, which when she refused to accept, was directed to be deposited in the court. It was in a way kind of "Blood Money" offered by the convicts to the victim for which there is no acceptability in our criminal justice system."*

34. The misplaced understanding of various courts in treating compensation as a substitute of sentence is both a matter of concern and a practice which should be condemned. We have observed a trend amongst various High Courts wherein the sentences awarded to the accused persons by the Trial Court are reduced capriciously and mechanically, without any visible application of judicial mind. Considering the gravity of the situation as thus, we have culled out certain basic factors, which are to be kept in mind by the courts while dealing with imposition of sentence, in line with the view taken by this Court in the aforementioned cases. The said factors are enunciated as below:

A. **Proportionality:** Adherence to the principle of *"just deserts*" ought to be the primary duty of the courts. There should be proportionality between the crime committed and the punishment awarded, keeping in consideration the gravity of the offence.

B. **Consideration to Facts and Circumstances:** Due consideration must be given to the facts and circumstances of the case, including the allegations, evidence and the findings of the trial court.

C. **Impact on Society:** While imposing sentences, the courts shall bear in mind that crimes essentially impair the social fabric of the society (of which the victim(s) is/are an indispensable part) and erodes public trust. The sentence should be adequate to maintain the public trust in law and administration, however, caution should also be taken, and the Court shall not be swayed by the outrage or emotions of the public and must decide the question independently.

D. **Aggravating and Mitigating Factors:** The courts, while deciding the sentence or modifying the sentence, must weigh the circumstances in which the crime was committed, and while doing so, the court must strike a fair balance between the aggravating and the mitigating factors.

35. In the present case, the testimonies on record of the PW1 (the complainant), PW2 (the victim), and PW3 (the Appellant herein), when taken conjointly, clearly establishes existence of prior enmity between the victim and the Private Respondents herein who had caused injuries to the victim. Further, these testimonies have been corroborated by the statements of PW9 (Doctor), who had stated that the victim suffered 4 stab injuries, which were grievous in nature to the extent that, if not given immediate care, could have been life-threatening.

36. We have carefully considered the decisions of the Trial Court, and are of the view that the Trial Court rightly convicted the Private Respondents under Sections 307, 324 and 326 of the IPC as the injuries were grievous and life-threatening. This decision was further affirmed, correctly so, by the District and Sessions Fast Track Mahila Court, Sivagangai.

37. Thereafter, the High Court, while exercising its revisionary powers, very ignominiously reduced the

sentence of the Private Respondents to the period already undergone. The High Court was so undesirous to even glance through the fact that the Trial Court had already taken into consideration all the relevant factors while imposing the sentence and showed adequate leniency while awarding sentence of rigorous imprisonment for three years only, whereas the maximum punishment permissible for the offence under Section 307 of the IPC is ten years. Additionally, the undue sympathy shown by the High Court herein was totally unwarranted, and such displays of overt sentiments risk undermining the administration of justice, as it is imperative that justice is not merely done but also seen to be done.

38. In light of the above discussion, we are of the view that the impugned judgment warrants interference and is, therefore, set aside. Further, the judgment of conviction and sentence dated 28.11.2013 passed by the Chief Judicial Magistrate/Assistant Sessions Judge, Sivagangai and later

confirmed by the District Sessions Fast Track Mahila Court, Sivagangai, are affirmed. The appeal stands allowed.

39. We direct that the Private Respondents must surrender before the Trial Court within four weeks from today and shall serve the remaining part of the sentence awarded to them. The Trial Court shall ensure that they serve the remaining sentence, after adjustment of the period already undergone by them. In case the Private Respondents fail to surrender within the stipulated time, the Trial Court shall take appropriate steps as permissible under the law to ensure compliance of the above stated directions.

40. Pending application(s), if any, shall stand disposed of.

....., J.
(RAJESH BINDAL)

....., J.
(VIJAY BISHNOI)

NEW DELHI;
FEBRUARY 17, 2026.