

Girdhari Lal vs State Of Punjab on 9 September, 1980

Equivalent citations: AIR1982SC1229B, (1982)1SCC608, AIR 1982 SUPREME COURT 1229(2), 1982 (1) SCC 440, 1982 CRI. L. J. 1742(1), 1982 ALL. L. J. 981, 1982 (1) SCC(CRI) 135, 1982 SCC(CRI) 325, 1981 SCC (SUPP) 58, 1982 (1) SCC 608, 1982 GUJLH 345 (1), (1982) GUJ LH 345(1)

Bench: R.S. Pathak, V.R. Krishna Iyer

ORDER

1. The short point arising in this appeal is as to whether the order of the High Court directing payment of Rs. 3,000/- as litigation costs to the State is sustainable in the light of the provisions in Section 357, Cr.P.C.

2. It is obvious that for sustaining an order directing expenses to be paid to the State under this provision, there must be a substantive sentence of fine. In the absence of such a sentence of fine, no direction under Clause (a) can be made. In the present case, the High Court, while maintaining the conviction, has set aside the imprisonment imposed by the trial court and has not imposed any fine on the accused. On the other hand, the appellant has been given the benefit of probation. There cannot be a direction for compensation under Section 357(a), where there is no sentence of fine, and where the convict has been let off on probation. We set aside the order of the High Court to the extent of imposition of compensation in a sum of Rs. 3,000/. The appeal is disposed of accordingly.