

Prem Chand vs State Of Himachal Pradesh on 26 August, 2013

Bench: J. Chelameswar, H.L. Gokhale

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1274 OF 2013
(Arising out of SLP(CrL.) No.5972/2012)
PREM CHAND Appellant(s)
:VERSUS:
STATE OF HIMACHAL PRADESH Respondent(s)

O R D E R

Leave granted.

2. Heard Ms. Radhika Gautam, learned counsel appearing for the appellant and Mr. Ajay Marwah, learned counsel appearing for the State of Himachal Pradesh.

3. The only question which arises in this appeal is as to whether the fine to the tune of Rs.60,000/- imposed on the appellant is steep. The appellant was charged under Section 324 & 326 of the Indian Penal Code. The Trial Court acquitted the appellant for the offences as charged. The High Court though allowed the appeal of the State, has taken a considerate view considering that nearly 12-13 years have gone by from the date of the incident till the matter was heard by it. The High Court retained the conviction under Section 324 of the IPC but imposed a fine of Rs.60,000/-.

4. Counsel for the appellant has brought to our notice that the appellant is a poor labourer and a certificate to that effect rendered by the Gram Panchayat of the concerned village dated 30.3.2012 has been annexed to this petition. She submits that in view thereof, the fine may be reduced to the minimum. Counsel for the State leaves it to the Court to pass appropriate order in this behalf. In the circumstances, we reduce the amount of fine to Rs.10,000/- only.

5. Counsel for the appellant states that the Gram Panchayat has already made the payment of steep fine on behalf of the appellant. That being so, the amount over and above Rs.10,000/- will be refunded to the Appellant/Gram Panchayat. The appeal is allowed to this extent.

.....J (H.L. GOKHALE)J (J. CHELAMESWAR) New Delhi;

August 26, 2013.