

SUREME COURT OF INDIA

Anil Kumar Pandey

Vs.

State of Uttar Pradesh

(E Venkataramiah and P Bhagwati JJ.)

11.01.1982

JUDGMENT

P.N.BHAGWATI, J:-

1. Special leave granted to Anil Kumar Pandey limited only question of sentence.

2. The appellant Anil Kumar Pandey has been convicted under Sections 324 and 326 I.P.C. and for the offence under Section 324 he has been sentenced to two years' rigorous imprisonment and for the offence under Section 326, 5 years' rigorous imprisonment and a fine of Rs. 2500/-. The crime committed by the appellant is a ghastly crime. He has ruined the life of a young girl by throwing acid on her face and he does not deserve any leniency at all. But since he is a student and has already undergone imprisonment for a period of about 14 months, we think it will meet the ends of justice if the sentence imposed upon the appellant is reduced to the period already undergone by him and instead, the fine of Rs. 2500/- inflicted upon him is enhanced to Rs. 7500/-.

3. We accordingly allow the appeal on the question of sentence and reduce the sentence imposed upon the appellant to the period already undergone by him and direct him to pay a fine of Rs. 7500/- for the offence under Section 326 I.P.C. and in default, to undergo imprisonment for a period of one year. The appellant will deposit the fine of Rs. 7500/- in the Trial Court within 6 months from today and if he fails to do so, the sentence imposed upon him by the Sessions Judge and confirmed by the High Court will be restored. The entire amount of fine when deposited will be paid over to Smt. Usha who is the girl who has suffered at the hands of the appellant. The appellant will be released forthwith but in case he does not deposit the amount of Rs. 7500/- within 6 months he will be rearrested in order that he may undergo the original sentence imposed upon him.