

Sukhdev Singh

Vs

State of Punjab

Criminal Appeal No. 46 of 1982

(P. N. Bhagwati, E. S. Venkataramiah, A. Varadarajan JJ)

18.01.1982

ORDER

1. We are of the view that having regard to the facts and circumstances of the present case and in view of the fact that Jagdish Chander died as a result of the accident leaving a family behind him and also taking into account the fact that the appellant has already been in jail for a period of four and a half months, it would meet the ends of justice if the sentence of imprisonment imposed upon the appellant is reduced to that already undergone by him and instead the fine of Rs 2000 which has been imposed upon him is enhanced to Rs 10,000 in order that the widow and the children of the deceased Jagdish Chander may be compensated by payment of the amount of the fine to them.

2. We accordingly allow the appeal to this limited extent and reduce the sentence of imprisonment imposed upon the appellant to that already undergone by him and enhance the sentence of fine to Rs 10,000 and direct that the entire amount of the fine be paid over to the widow and children to the deceased Jagdish Chander. This payment will be without prejudice to the right of the widow and children of the deceased Jagdish Chander to claim damage for the death of Jagdish Chander, though, if any such damages are awarded this payment may be taken into account in assessing such damages.

3. We are told that fine to the extent of Rs 2000 has already been deposited by the appellant in the Court of Additional Chief Judicial Magistrate, Amritsar on January 15, 1982 and the balance amount of Rs 8000 out of the total fine of Rs 10,000 will therefore be deposited by the appellant in that court within two weeks from today. In default of deposit of the balance of the amount of the fine, the sentence of imprisonment and fine imposed upon the appellant by the Additional chief Judicial Magistrate, Amritsar and confirmed by the Sessions Court, Amritsar and the High Court will be restored. The Court of the Additional Chief Judicial Magistrate will take steps to see that the amount of fine is paid over to the widow of the deceased Jagdish Chander on behalf of herself and the children within three weeks from the date of the deposit.

</html