

Labh Singh and Other

Vs

State of Punjab

Criminal Appeal No. 431 of 1984

(S.R. Pandian, K. Jayachandra Reddy JJ )

31.01.1990

JUDGMENT

S. RATNAVEL PANDIAN, J. –

1. In this appeal, all the ten appellants who stood convicted under Sections 148, 450, 326, 307, 324 and 323 read with Section 149 IPC and sentenced to various terms of imprisonment in addition to the imposition of fine amount with the usual default clause with a direction that all the substantive sentences should run concurrently and that a sum of Rs. 2000 be paid as compensation to the victim Jaspal Singh (PW 3) out of the Fine amount, if realised, preferred an appeal before the High Court of Punjab & Haryana, which for the reasons assigned in its judgment set aside the conviction of all the appellants under Section 307 read with Section 149 of IPC but confirmed the conviction of all the appellants in respect of the remaining offences. Coming to the question of sentence, the High Court reduced the sentences of imprisonment to the period already undergone by the appellants under each count but enhanced the fine amount to Rs. 2000 in respect of each of the appellants for the conviction under Section 326 and 326 read with Section 149 IPC with the usual default clause and directed half of the fine amount, if realised, "shall be paid to Jaspal Singh (PW 3) and the remaining half to the other injured PWs, namely Balwant Singh (PW 6) and Darbara Singh (PW 7) in equal proportion."

2. It is seen that at the time of granting leave to appeal, this Court was informed that the entire fine amount of Rs. 20,000 imposed on all the appellants has already been deposited in this Court.

3. After hearing the learned counsel for both the parties and carefully going through the entire records, we hold that there is no substance in this appeal and accordingly the appeal is dismissed. However, while confirming the judgment of the High Court, the fine amount of Rs. 2000 imposed on each of the appellants under Section 326 and Section 326 read with Section 149 of IPC to Rs. 1000 in default to suffer rigorous imprisonment for a period of six months. Out of the amount stated to have been deposited in this Court, half of the amount i. e. Rs. 10,000 is directed to be refunded to the appellants and out of the balance fine amount of Rs. 10,000 a sum of Rs. 5000 shall be paid to Jaspal Singh (PW 3) and the remaining half i. e. Rs. 5000 to the injured persons namely Balwant Singh (PW 6) and Darbara Singh (PW 7) in equal proportion.

4. Subject to the above modification, the criminal appeal is dismissed.

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