

SUPREME COURT OF INDIA

State of Uttar Pradesh

Vs.

Chhotey Lal Pandey

S.L.P. (Crl.) No. 4465 of 2003

(Y. K. Sabharwal and B. P. Singh JJ.)

23.01.2004

JUDGMENT

Y. K. Sabharwal, J.

Delay condoned.

1. Leave granted.

2. The respondent was tried for offence under Section 302 IPC for murder of one Shabir Ali. The Sessions Court, however, convicted him for the offence under Section 304 (Part-I) IPC and imposed rigorous imprisonment for a period of seven years. In Criminal Appeal No.558 of 1989, a learned Single Judge of the High Court, while maintaining the conviction, has reduced the sentence to the period already undergone and imposed a fine of Rs.15, 000/- and, in default of payment of fine, the respondent has been directed to further undergo rigorous imprisonment for a period of one year. The Sessions Court had not imposed any fine.

3. There is no discussion whatsoever in the impugned judgment of the High Court except stating that considering the age, character and other antecedents of the accused, ends of justice would be met if the sentence is reduced to the period already undergone. Having regard to the facts and circumstances of the case, the High Court ought to have given some facts which led to the reduction of sentence as aforesaid in a case in which one person lost his life. A case of this nature requires a deeper consideration than summary manner in which the criminal appeal has been disposed of. Under such circumstances, we set aside the impugned judgment of the High Court and remit Criminal Appeal No.558 of 1989 to the High Court for fresh disposal expeditiously and, as far as possible, within a period four months. We request the learned Chief Justice of the High Court to assign the case to a learned Judge other than the learned Judge who heard the matter and disposed of the appeal in terms of the impugned order. The appeal is accordingly disposed of.