

**SUPREME COURT OF INDIA**

Vimla Devi

Vs.

Anil Kumar

S.L.P.(Crl.)No. 4046 of 2003

(N. Santosh Hegde and B. P. Singh JJ.)

21.04.2004

**ORDER**

Heard learned counsel for the parties.

Delay condoned.

1. Leave granted.

2. The respondent was convicted by the trial court for an offence punishable under Section 279, 304A IPC and was sentenced to undergo rigorous imprisonment for a period of one year and further to pay a fine of Rs.5, 000/-.

3. An appeal filed by the said respondent came to be dismissed by the Appellate Court and in a revision petition filed by the respondent before the High Court while confirming the conviction the High Court very generously reduced the sentence of one year to the period already undergone even without noticing the period already undergone. We depreciate this practice of the court reducing the period of sentence without noticing the period of sentence already undergone and taking into consideration whether the period already undergone would be in law an appropriate sentence at all.

4. However, since the impugned order in this case was passed as far as back on 26th February, 2003, we think the ends of justice would meet if we increase the fine of Rs.10, 000/- which was awarded by the High Court to Rs.15, 000/- out of which Rs.10, 000/- shall be paid to the appellant. This shall be in addition to the claim for which the appellant may be entitled under the Motor Vehicle Act as compensation for the death of her husband.

5. With the above modification, this appeal is disposed of.