

SUPREME COURT OF INDIA

Jagdev Singh

Vs.

State of Punjab

Crl.A.No.612 of 1998

(B. N. Agarwal and H. K. Sema JJ.)

14.07.2004

JUDGMENT

B.N.Agarwal, J.

1. Heard the learned counsel for the parties.
2. The appellant herein along with another accused was tried and by judgment rendered by the Trial Court, he was convicted under Section 302 read with Section 34 of the Indian Penal Code [for short 'the I.P.C.'] and sentenced to undergo imprisonment for life and to pay fine of Rs. 2,000/-; in default to undergo rigorous imprisonment for a further period of six months. Another accused, who was nobody else than father of the appellant, was convicted under Section 302 I.P.C. and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs. 2,000/-; in default to undergo rigorous imprisonment for a period of six months. On appeal being preferred, the High Court confirmed the conviction and sentence of imprisonment of both the accused persons. So far as sentence of fine in respect of the accused persons is concerned, it was enhanced from Rs. 2,000/- to Rs. 25,000/-; in default to undergo rigorous imprisonment for a period of two years. Father of the appellant did not prefer any appeal and we are told that he is dead now. The present appeal has been preferred by the appellant upon grant of special leave to appeal.
3. Having heard learned counsel for the parties and perused the record, we are of the view that the Trial Court and the High Court have passed the impugned orders after taking into consideration the evidence of two eye-witnesses, who are P.Ws 2 and 3, and no ground was found by any of the two courts below for disbelieving their evidence. That apart, the evidence of the prosecution witnesses is corroborated by medical evidence. No infirmity could be pointed out to us in the conviction of the appellant, which has been upheld by the High Court. But so far as the sentence of fine is concerned, we feel that there was absolutely no justification for the High Court to enhance the same from Rs. 2,000/- to Rs. 25,000/- and the impugned order to that extent is liable to be set aside.
4. Accordingly, the appeal is allowed in-part and while upholding the conviction and

sentence of imprisonment of the appellant, the impugned order enhancing the fine from Rs. 2,000/- to Rs. 25,000/- is hereby set aside and the order imposing fine rendered by the Trial Court is restored. Bail bonds of the appellant, who was released on bail, are cancelled and he is directed to be taken into custody forthwith. A compliance report be sent to this Court within a period of six weeks from today.