

**SUPREME COURT OF INDIA**

State of Madhya Pradesh

Vs.

Chhainu

Crl.A.No.429 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

27.02.2017

**JUDGMENT**

**Kurian Joseph,J.,**

SLP(Crl.)No.1539 of 2015

1. Leave granted.
2. The State is before this Court, aggrieved by the Judgment dated 23.11.2012 passed by the High Court of Madhya Pradesh in Criminal Appeal No. 1230 of 1996.
3. It is seen from the impugned Judgment that the High Court, taking note of the period already served (just 17 days) and having regard to the fact that the incident is of the year 1984, disposed of the appeal, limiting the sentence to the period already undergone, but enhancing the fine to Rs. 4,000/-.
3. On notice, the respondent has been produced before this Court today by the police.
4. It is submitted by the respondent that he is a Coolie and that he has two daughters, one is married and the other is yet to be married.
5. On a query made by the Court whether he would pay some more fine, he says that he is not in a position to pay, but he can work, earn and pay.
6. On a query made to the Police Officer, who produced the respondent in the Court, as to whether the respondent is involved in any other criminal case, we are informed that there is no other case as far as the respondent is concerned.
7. Therefore, in the peculiar facts of this case, we are not inclined to interfere with the order passed by the High Court, though we are not quite happy the manner in which the High

Court has dealt with the case of the respondent in a case of conviction under Section 326 IPC.

8. With the above observations and directions, the appeal is dismissed.

9. Pending interlocutory applications, if any, stand disposed of.