

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1091 OF 2004

ISHMA & ORS

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 27/08/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Mr. Ujjal Singh, Adv.
Mr. J.P. Singh, Adv.
Mr. R.C. Kaushik, Adv.

For Respondent(s) Mr. Rajeev Gaur 'Naseem', Adv.
Mr. Kamal Mohan Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

Appeal is dismissed in terms of the signed order.

(Ravi P. Verma) (Vinod Kulvi)
Court Master Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1091 OF 2004

ISHMA & ORS.APPELLANT(S)

Versus

STATE OF HARYANARESPONDENT(S)

O R D E R

We have heard learned counsel for the parties and gone through the records. The incident happened in March 1983 and the appellants have been facing one legal proceeding or the other for almost last 27 years. All of them range between 60 and 88 years as of today. We are of the opinion that in the light of the evidence that is on record, more particularly that there are several injured

witnesses and some of the injuries have been caused by firearms, it would not be appropriate to grant them the relief of acquittal which is sought by learned counsel for the appellants, more particularly, as the defence story projected by the appellants has also been disbelieved by both the Courts below.

However, keeping in view the aforesaid facts, some mitigation in the sentence of imprisonment is called for.

We, accordingly, while dismissing the appeal, reduce the sentence to that already undergone by the appellants (which is, as per record, about one year) but increase the fine in the following sums:-

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Ishma	-	Rs.2,000/-
Ratna	-	Rs.1,000/-
Jaipal	-	Rs.1,000/-
Tarsame	-	Rs.1,000/-
Ramphal	-	Rs.1,000/-
Dalip	-	Rs.1,000/-

We have imposed no fine on Pirthi Singh who has since died and on Pappi @ Ravindra Pal Singh who has been declared to be of unsound mind. The compensation, if received, will be

apportioned equally amongst the injured. The compensation be deposited within a period of two months from today failing which the appeal shall be deemed to have been dismissed in toto.

Appeal is dismissed in the above terms.

.....J.
(HARJIT SINGH BEDI)

New Delhi;
August 27, 2009.

.....J.
(AFTAB ALAM)