

§
Crl.A.No. 777 OF 2003
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 777 OF 2003

AND

CRIMINAL APPEAL NO.778 OF 2003

Piara Singh ...Appellant(s)

Versus

State of Punjab ...Respondent(s)

O R D E R

Delay condoned.The appeals are admitted.

The appellant and one Sukhmander Singh were the two accused before the Designated Court, Feroz epur at Bhatinda arising out of F.I.R.No.4, dated 14th January, 1990 of Police Station Balianwali and F.I.R.No.6, dated 15th January, 1990 of Police Station Nehianwala. In the former case, the charge was under Sections 506 and 395 read with Section 3/4 of the Terrorist and Disruptive Activities (Prevention) Act and Section 365 read with Section 149 I.P.C. In the latter case, the charge was under Section 399/402 I.P.C. and Section 3/4 of the Terrorist and Disruptive Activities (Prevention) Act. On conviction and sentence by the Designated Court, these two appeals have been filed by the accused Piara Singh. The co-accused Sukhmander Singh had filed separate appeals against the same impugned judgment, namely, Criminal Appeal No.953 of 2001 and Criminal Appeal No.968 of 2001. This Court, by judgment dated 7th November, 2001 in the said two appeals, has

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reduced the punishment of Sukhmander Singh from ten years to five years in each of the two cases, while maintaining the fine, thereby directing that he would undergo total sentence of ten years and pay a fine of Rs.13,000/-. In his case, it was further directed that in case of default in payment of fine, Sukhmander Singh would suffer further imprisonment of two years.

We see no reason as to why the appellant should not be treated similarly as his co-accused Sukhmander Singh. For the reasons stated in the judgment dated 7th November, 2001 in Criminal Appeal Nos.953/2001 and 968/2001, while maintaining the conviction, the sentence of the appellant is reduced to five years in the two cases, i.e., total sentence of ten years.

It appears that the appellant has already undergone nearly twelve years of sentence. Learned counsel for the appellant submits that the appellant, on account of poverty, is not in a position to pay the fine and, having regard to the fact that he has already undergone twelve years imprisonment which means in a way further imprisonment on non-payment of fine has already been undergone, the sentence of fine in his case be ordered to be set aside. Having regard to the peculiar facts and circumstances of the case, we accede to this request and set aside the sentence of fine. The appellant, having already served the sentence of about twelve years, is directed to be released in both the cases, if not required in any other case.

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The appeals are disposed of accordingly.

(Y.K. SABHARWAL)

.....J.

.....J.

(B.N. AGRAWAL)

New Delhi,
October 09, 2003.

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. 777/2003

PIARA SINGH

Appellant (s)

VERSUS

STATE OF PUNJAB

Respondent (s)

(With Appln(s). for condonation of delay in filing crl. appeal. and
exemption from filing c/c of the impugned Judgment and bail)
(With Office Report)

With CrI.A.No.778/2003

(With Appln(s). for condonation of delay in filing crl. appeal. and
exemption from filing c/c of the impugned Judgment and bail)
(With Office Report)

Date : 09/10/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. Kuldip Singh, Adv.

For Respondent (s)

Mr. Bimal Roy Jad, Adv.
Ms. Sunita Pandit, Adv.

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

Delay condoned. The appeals are admitted and disposed of in terms of the signed order.

(N. Annapurna) (V.P. Tyagi)
Court Master Court Master

Signed order is placed on the file.