

IN THE SUPREME COURT OF INDIA
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPEAL NO. 1194 OF 2004

BHABESH SINGH AND ANOTHER ...
 APPELLANTS

VERSUS

STATE OF WEST BENGAL ...
 RESPONDENT

ORDER

1. Appellants-accused were charged and tried for commission of the offences punishable under Sections 395 and 412 of Indian Penal Code (I.P.C.). The trial court convicted both the appellants-accused and sentenced them, under Section 395 IPC, to suffer rigorous imprisonment for 10 years each and to pay a fine of Rs. 5000/- each in default rigorous imprisonment for one year each and under Section 412 IPC, sentenced them to undergo rigorous imprisonment for 5 years each and to pay a fine of Rs. 5,000/- each in default rigorous imprisonment for one year.

2. In appeal, third Judge of the High Court, on a difference of opinion, confirmed the conviction of the appellants-accused not under Section 395 I.P.C. but under Section 392 I.P.C. and convicted them to undergo rigorous imprisonment for 7 years and to pay a fine of Rs. 2000/- each in default to undergo rigorous imprisonment for two months. The conviction under Section 412 IPC was set aside.

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3. Aggrieved by the impugned judgment of the High Court, the present appeal, by special leave, is filed by the appellants-accused.

4. We have gone through the evidence and judgment of the trial court as well as of the High Court. The conviction of the appellants-accused was mainly based on the evidence of PW 2 Sangita Chand Gothia, PW 4 Provadebi Chand Gothia and PW5 Indu Devi Chand Gothia and the recoveries of the ornaments made at the behest of the appellants-accused. The dock identification of

Appeal is dismissed in terms of signed order.

(Pardeep Kumar)
Court Master

(Neeru Bala Vij)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]