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SLP(Crl.)No. 291 OF 2001  
ITEM No.38

Court No. 1

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 291/2001

(From the judgement and order dated 14/10/1996 in CRLA 188/94  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GAJJAN SINGH

Petitioner (s)

VERSUS

STATE OF PUNJAB

Respondent (s)

( With Appln(s). for c/delay in filing SLP and an appln. for c/delay  
in refiling SLP and bail )

Date : 23/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Aditya Kumar Chaudhary, Adv.  
Mr. Ugra Shankar Pd., Adv.

For Respondent (s) Mr. Rajeev Sharma, Adv.

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

.....L.....I.....J  
.SP2

Delay condoned.  
Leave granted.  
The appeal is disposed of in terms of the signed  
order.

.SP1  
.....L.....T.....J

(Ajay Kr. Jain) (Prem Prakash)  
Court Master Court Master

(Signed order is placed on the file)

.PA  
.PL58  
.....L.....I.....T.....T.....T.....T.....T.....T.....J.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 538 OF 2001@@  
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(Arising out of SLP(Crl.) No. 291 of 2001)

Gajjan Singh

... Appellant

versus

State of Punjab

... Respondent

O R D E R@@  
CCCCCCCCC

.SP2

Delay condoned. Leave granted. During an occurrence which took place on 17.3.1993 Chhinda Singh and Channo, daughter of the appellant were done to death. After information was lodged with the police by Har Singh, PW-2, an eye-witness, investigation was taken in hand. After completion of investigation charge sheet was filed and after recording evidence, the learned Trial Court on 4.4.1994 convicted the appellant for an offence under Section 302 IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs. 2000/- on each of the two counts. In default of payment of fine, the appellant was required to undergo further RI for one year. The appellant questioned his conviction and sentence through an appeal filed in the High Court. Vide judgment dated 14.10.1996 the High Court altered the conviction of the appellant from the one under Section 302 IPC to one under Section 304 Part-I IPC but declined to interfere with the sentence of life imprisonment or the payment of fine and the imprisonment in default of payment of fine.

On 15th of January, 2001 this Court after hearing learned counsel for the appellant was of the view that the conviction of the appellant for an offence under Section 304-I IPC was well merited. However, a notice was issued in the SLP confined to the question of sentence and for condonation of delay.

After hearing learned counsel for the parties, we maintain the conviction of the appellant for the offence under Section 304 Part-I, IPC but in the established facts and circumstances of the case, reduce the substantive sentence of imprisonment from life imprisonment to a period of 10 years RI. The sentence of payment of fine and sentence of imprisonment in default of payment of fine is, however, maintained.

With the above modification in sentence, the appeal is disposed of.

.SP1

.....CJI.

.....J.  
(R.C. LAHOTI)

.....J.  
(BRIJESH KUMAR)

New Delhi,  
APRIL 23 , 2001.