

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 429 OF 2017
[@ SPECIAL LEAVE PETITION (CRL.) No. 1539 OF 2015]

STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

CHHAINU

Respondent(s)

J U D G M E N T

KURIAN, J.

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.

2. 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.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
February 27, 2017.

ITEM NO.46

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1539/2015

(Arising out of impugned final judgment and order dated 23/11/2012 in CRLA No. 1230/1996 passed by the High Court Of M.P. At Jabalpur)

STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

CHHAINU

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 27/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sunny Choudhary, Adv.
For Mr. Mishra Saurabh, Adv.

For Respondent(s)

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

Leave granted.

The appeal is dismissed in terms of the signed non-reportable
Judgment

Pending interlocutory applications, if any, stand disposed
of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)