

BABU SINGH AND ANOTHER.

v.

RESHAMPAL SINGH AND ANR.

NOVEMBER 22, 2006

[S.B. SINHA AND MARKANDEY KATJU, JJ.]

Sentencing—Award of death sentence, reduced to life imprisonment by High Court—Plea of enhancement of the punishment to death sentence—Held: High Court awarded life imprisonment after considering the question of sentence in detail—Thus, no reason to enhance the punishment to death sentence—Penal Code, 1860—Section 302.

Trial court convicted and sentenced the accused to death under section 302 IPC. However High Court upheld the conviction but reduced the sentence to life imprisonment. Hence the present appeals.

Dismissing the appeals, the court

HELD : High Court considered the question of sentence in detail. On going through the evidence and having considered the facts of the case, there is no reason to enhance the punishment of life imprisonment awarded by High Court to death sentence. [304-D-F]

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 1604 of 2005.

WITH

Criminal Appeal No. 1605 of 2005.

From the Final Judgment and Order dated 24-10-2002 of the High Court of Punjab and Haryana at Chandigarh in Crl. A. No. 616-DB/2001.

Amarjit Singh and A.P. Mohanty for the Appellants.

Sanjay Jain, Mukesh Kumar, Arun K. Sinha, Ravi P. Mehrotra (A.C.), Deepti P. Mehrotra and Garvesh Kabra for the Respondent.

The Judgment of the Court was delivered by

MARKANDEY KATJU, J. These appeals have been filed against the

- A impugned judgment and order of the Punjab and Haryana High Court dated 24.10.2002 in Criminal Appeal No. 616-DB of 2001.

Heard learned counsel for the parties and perused the record.

- B The trial court by its judgment dated 18.10.2001 convicted accused Resham Pal Singh and sentenced him to death under Section 302 of the Indian Penal Code, but the High Court while affirming the conviction has reduced the sentence to life imprisonment. The High Court has further directed the appellant to pay a fine of Rs. 50,000/- and in default to undergo further RI for a period of one year for the offence under Section 302 IPC. The High Court also maintained the sentence of imprisonment for five years and to pay a fine of Rs. 1,000/- awarded under Section 307 IPC. In default of payment of fine the appellant had to undergo further RI for a period of two months. The amount of fine of Rs. 50,000/-, if realized from the appellant was directed to be paid to Harpreet Singh, who has lost his parents.

- D In these two appeals the prayer was to enhance the punishment to death sentence.

We have gone through the evidence and have considered the facts of the case.

- E In our opinion, there is no reason to interfere with the impugned judgment of the High Court. The question of sentence has been considered by the High Court in detail in paragraph 36 of its judgment and, therefore, we see no reason to differ from the view taken by the High Court. Hence, both the appeals are dismissed and the impugned judgment and order of the High Court stands upheld.

- F N.J.

Appeals dismissed.