

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 912 of 2017

1. Ramdhani S/o Shri Maniram Uraw (Now Died) Aged About 35 Years (Now died)
2. Puniram S/o Shri Timitram Satnami Aged About 21 Years
3. Dujeram S/o Shri Jethuram Satnami, Aged About 32 Years (Now died)
4. Mohanram S/o Shri Lotiaram Sattnami, Aged About 18 Years
5. Lotiaram S/o Shri Timitram Aged About 30 Years
6. Tegaram S/o Shri Tetguram Uraw Aged About 25 Years

All R/o Village Tildegga, Police Station Patthalgaon, District- Raigarh, Chhattisgarh.

---- Applicants

Accused

Versus

- State Of Madhya Pradesh (Now Chhattisgarh) Through Station House Officer Of The Police Station Patthalgaon, Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Abhishek Saraf, Advocate.
For Respondent/State	:	Shri Vivek Sharma, Govt. Adv.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board By Justice Pritinker Diwaker

25/07/2017

The applicants/accused herein had preferred a criminal appeal i.e. Cr.A.No.994/1997 against their conviction and sentence under Sections 147, 148, 302/149 and 323/149 of IPC awarded by Additional

Sessions Judge, Raigarh in ST No.01/1996 by judgment and order dated 17.4.1997. This Court vide judgment dated 12.2.2013 while partly allowing the said appeal observed as under:

“In the result, the appeal is partly allowed. Conviction of the accused/appellants under Section 302 of IPC is set aside and instead thereof they are convicted under Section 304-II of IPC. The conviction in respect of Sections 147, 148 and 323/149 IPC are maintained. However, the sentence imposed on them under these sections is reduced to the period already undergone by them. Fine would be Rs.20,000/- to be paid to the victim. It is again clarified that benefit of this order will be subject to deposit of fine imposed by this Court. Failure in doing so, would make the appellants liable to be inside the jail for a further period of RI for one year.”

Counsel for the applicants submits that in compliance of the aforesaid judgment and order passed by this Court, on 27.3.2017 the applicants moved an application for depositing the fine amount of Rs.20,000/- before the trial Court. However, vide order dated 27.3.2017 the Court below misinterpreting the order passed by this Court observed that each of the appellants has to deposit fine of Rs.20,000/- and not the total of Rs.20,000/-. Therefore, they have filed the instant petition for clarification by this Court in respect of deposit of fine amount by the applicants/accused.

State counsel has duly assisted the Court.

Having heard counsel for the parties and gone through the judgment and order dated 12.2.2013 passed in Cr.A.No.994/97, we are

of the opinion that the trial Court has misinterpreted the order of this Court in respect of payment of fine amount. It is, therefore, clarified that the fine amount of Rs.20,000/- imposed by this Court, which shall be payable to the victim, has to be deposited by the accused/appellants collectively and not individually. In other words, they are to deposit a total sum of Rs.20,000/- only with the trial Court.

With the aforesaid observation/clarification, the present petition stands disposed of.

Sd/

(Pritinker Diwaker)

Judge

Sd/

(R.P. Sharma)

Judge