

Smt. Nirmala Vs. State

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SooperKanoon Citation : sooperkanoon.com/771723

Court : Rajasthan

Decided On : Jan-11-2001

Reported in : 2001CriLJ2679

Judge : Bhagwati Prasad, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 326

Appeal No. : Cri. Appeal No. 336 of 1991

Appellant : Smt. Nirmala

Respondent : State

Advocate for Def. : D.D. Kalla, P.P.

Advocate for Pet/Ap. : Pradeep Shah, Adv.

Judgement :

ORDER

Bhagwati Prasad, J.

1. Heard learned counsel for the parties and perused the material on record.
2. The present appeal has been filed against the order of the Court below whereby the accused appellant has been convicted under Section 326, IPC and sentenced to three years R.I. with a fine of Rs. 3200/-, in default of payment of fine to further

undergo ten months' R.I.

3. Learned counsel for the appellant does not challenge the factum of conviction. However, the learned counsel for the appellant submits that instead of requiring the accused appellant to serve out the complete sentence, it would be appropriate that accused appellant may be released for the period already undergone. He offers that a sum of Rs. 50,000/- may be offered to be paid as compensation to the victim Narbada or her legal representatives.

4. Looking to the facts and circumstances of the case coupled with the fact that accused appellant was sentenced in the year 1991, the incident is of the year 1989 and the appeal is being heard in the year 2000, this Court feels persuaded that instead of maintaining the sentence of imprisonment the accused appellant be saddled with financial liability and she should be ordered to pay compensation to the victim Narbada or her legal representatives. Therefore, it is ordered that the accused appellant will deposit a sum of Rs. 50,000/- (excluding the fine imposed by the trial Court) with the trial Court within a period of three months from today. In case the amount is not deposited, the accused appellant shall undergo the sentences recorded against her by the learned trial Court. If the amount is paid then the sentence of imprisonment shall stand converted into sentence of fine. The amount will be given to victim Narbada or her legal representatives. The appellant is on bail. Her bail bonds are cancelled.

5. In the result, while maintaining the conviction of the appellant, the appeal is partly allowed as indicated above.