
(2000) 02 AP CK 0025

In the Andhra Pradesh High Court

Case No : Criminal M.P. No. 504 of 2000 in Criminal A. No. 190 of 1994

Tota Tirupathaiah

APPELLANT

Vs

The State of A.P.

RESPONDENT

Date of Decision : 03-02-2000

Acts Referred:

Citation : (2000) 1 ALD(Cri) 641

Hon'ble Judges : Vaman Rao, J

Bench : Single Bench

Advocate : C. Praveenkumar, for the Appellant; Public Prosecutor, for the Respondent

Judgement

Vaman Rao, J.

1.This petition seeks quashing of the order passed by the learned Assistant Sessions Judge, Nagarkurnool, Mahabubnagar District, dated 4.1.2000 passed in Crl.M.P.No.413 of 1999 in S.C.No.70 of 1993.

2. It may be seen that the petitioner was convicted for an offence under Sec. 376 IPC and was sentenced to undergo rigorous imprisonment for some term and to pay a fine of Rs.3,000/-. In Crl.A.No.190 of 1994 by Judgment dated 29.6.1999, this Court set aside the conviction and the sentence. Pursuant to that, the petitioner (accused) approached the Court on Crl.M.P.No.413 of 1999 for refund of the fine paid pursuant to the judgment convicting him and sentencing him to pay the fine.

3. It is obvious that when the conviction and the sentence of the accused is set aside, there is no warrant for the retention of the fine amount paid by the accused. It does not require any great legal acumen or authority to say that once conviction is set aside, the fine amount recovered has to be refunded. The order of the learned Assistant Sessions Judge that because there is no specific direction for refund of fine amount on the order of the High Court acquitting the accused, the fine amount paid could not be refunded is untenable and cannot be sustained.

4. In the result, the order of the learned Assistant Sessions Judge to that effect is quashed. The fine amount paid by the accused is directed to be refunded.