

2025:PHHC:101888



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-20579-2025
CRM-20580-2025 in/and
CRA-S-5212-SB-2015
DATE OF DECISION: 04.07.2025**

NAVTEJPAL SINGH

.....APPLICANT/APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gurmeet Singh Saini, Advocate
for the applicant-appellant

Mr. Jastej Singh, Addl. AG, Punjab

SANDEEP MOUDGIL, J

CRM-20579-2025

Application under Section 5 of Limitation Act, 1963 read with Section 528 BNSS, 2023 for condonation of delay of 21 days in filing the present application for abatement of the main appeal has been filed.

For the reasons mentioned in the application, same is allowed and delays of 21 days in filing the present application for abatement of the main appeal is condoned.

Application stands disposed of.

CRM-20580-2025

The present application has been filed under 435(1) of BNSS, 2023 with the prayer for abatement of the main appeal in which the appellant- Navtejpal Singh, who has now expired on 24.03.2025, was convicted for the offence punishable under Section 304A IPC whereby he was directed by the Trial Court to undergo 2 years of Rigorous Imprisonment and a fine of Rs. 5000/- alongwith default sentence and further awarding compensation for Rs. 2,50,000/- vide judgement dated 24.11.2015,

Learned Counsel for the applicant submits that during the pendency of the present appeal, the appellant, Navtejpal Singh, passed away on 24.03.2025. A copy of his death certificate has been annexed herewith as Annexure A1. It is further submitted that the present application has been filed by the legal representatives (LRs) of the deceased appellant, who have expressed no objection to the abatement of the main appeal.

Learned Counsel further contends that the deceased appellant was serving in the Punjab Police at the time of his demise. However, despite his passing, the posthumous service benefits due to his legal heirs have not been released by the department, which has cited the pendency of the present appeal as an obstacle. Therefore, the Legal Representatives seek appropriate orders so that the departmental benefits may be processed without further delay.

Accordingly, the appeal stands abated as per the settled principles of criminal jurisprudence.

However, the question posed before this court pertains to the enforcement of the unpaid fine and compensation amount, and whether the same can be recovered posthumously from the estate of the deceased.

This Court is conscious of the statutory framework under Sections 421 and 431 of the Code of Criminal Procedure, 1973 (now as 471 and 481 BNSS respectively), which provide the mechanism for recovery of fine and compensation.

Section 471 BNSS states that the Court may make an order dealing with the compensation awarded to the victims, it is apposite to discuss when can compensation be recovered as a fine, the same has been provided as below:

471. When an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may -

(a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender;

(b) issue a warrant to the Collector of the district, authorising him to realise the amount as arrears of land revenue from the movable or immovable property, or both, of the defaulter.

Provided that, if the sentence directs that in default of payment of the fine, the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless, for special reasons to be recorded in writing, it considers it necessary so to do, or unless it has made an order for the payment of expenses or compensation out of the fine under Section 357.

To appreciate the said legal position it can be seen in relation with Section 431 CrPC (now as Section 481, BNSS), the provisions of the same are set out hereinbelow:

“481. Money ordered to be paid recoverable as fine.—Any money (other than a fine) payable by virtue of any order made under this Code, and the method of recovery of which is not otherwise expressly provided for, shall be recoverable as if it were a fine”

Therefore, Section 481 BNSS makes it clear that any money other than a fine payable on account of an order passed under BNSS shall be recoverable as if it were a fine. The provisions of Sections 396 and 481 BNSS, when read with Section 8(2) BNS, empower the court, while making an order for payment of compensation, to also include a default sentence in case of non-payment of the same. This being the case, Section 8(7) BNS, which is the last in the group of Sections dealing with sentence of imprisonment for non-payment of fine must also be included as applying directly to compensation under Section 396, BNSS as well. The position in law now becomes clear. As discussed hereinabove, under Section 481 BNSS, compensation awarded is deemed to be a fine, and is recoverable in the same manner and Section 471 BNSS empowers the State to proceed against the movable or immovable property of the convict for recovery of such amounts.

Therefore, as provided in Section 8(7), BNS wherein “Fines” are dealt with, which is reproduced below:

“8(7). Fine leviable within six years, or during imprisonment – Death not to discharge property from liability.--The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the

sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.”

This provision lays down a trite law that though the criminal liability of a convict does not survive after his death but the pecuniary liabilities, such as fine imposed under the judgment of conviction, as well as compensation awarded under Section 396, BNSS, are recoverable as arrears of land revenue, and are enforceable against the estate of the deceased convict.

Keeping in view the discussions made hereinabove and backdrop of facts and circumstances, it has been submitted that the deceased appellant was a government servant and that his family seeks release of his pensionary benefits. It is clarified that such benefits, to the extent they form part of the estate of the deceased, may be subjected to adjustment or attachment for the purpose of recovery of fine and compensation due under the judgment of conviction.

It is, however, made clear that the legal heirs of the deceased convict are not personally liable, but any amount disbursed from the estate, including pensionary dues, may be appropriated in accordance with law for satisfaction of the outstanding monetary liabilities imposed under the conviction.

Application stands disposed of.

In view of the fact that the application seeking abatement on ground that the appellant is now deceased, hence, there is no ground to

entertain the instant appeal, the present appeal is dismissed,. Accordingly, the same is also dismissed.

07.05.2025
anuradha (a)

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether Reportable : *Yes/No*