

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 150 OF 2000

SATYA MOHAN SINGH

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 05/05/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. Dinesh Kumar Garg, Adv.

Mr. Manzoor Ali Khan, Adv.

Mr. Dhananjay, Adv.

For Respondent(s)

Mr. Prashant Chaudhary, Adv.

Mr. Ritesh Agrawal, Adv.

Mr. Praveen Swarup, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed in part and while upholding convictions

and the sentences of fine, the sentences of imprisonment for the aforesaid offences

awarded against him are set aside. The appellant who is on bail is discharged

from the liability of bail bonds.

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t Master Court Master Cour

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 150 OF 2000

Satya Mohan Singh .. Appellant(s)  
Versus  
State of U.P. .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The sole appellant along with accused Hari Mohan Singh was convicted under Sections 302/34 and 302 of the Indian Penal Code [for short, IPC] respectively and sentenced to undergo imprisonment for life. They were further convicted under Sections 307 and 307/34 IPC and sentenced to undergo rigorous imprisonment for a period of six years. The sentences, however, were ordered to run concurrently. On appeal being preferred, the High Court upheld the convictions and sentences awarded against the accused persons. Both the accused persons filed separate applications for grant of special leave. The application filed by Hari Mohan Singh has been dismissed by this Court whereas this appeal on grant of special leave has been

filed by the appellant.

We have been taken through the judgments rendered by the trial Court as well as

the High Court. We do not find any infirmity in the orders recording convictions of the

appellant

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by the two courts. Therefore, in our view, no case for interference with the convictions of the

appellant is made out.

Learned counsel appearing on behalf of the appellant submitted that on the date

of occurrence, i.e. on 18.12.1979, the appellant was a child within the meaning of Section 2(4)

of the U.P. Children Act, 1951 [hereinafter referred to as the Act] as he was less than sixteen

years. It appears from the trial Court judgment that when the question of awarding sentence

was being considered, on behalf of the appellant, it was pointed out that he was fifteen years

of age in December, 1980 when the judgment was being delivered by the trial Court. The trial

court assessed the age of the appellant in December, 1980 between sixteen to seventeen years.

The occurrence had taken place in December, 1979. Therefore, even according to the estimate

of the trial court, the age of the appellant on the date of occurrence was fifteen and sixteen.

This observation of the trial Court clearly shows that on the date of the occurrence, the

appellant was a child within the meaning of Section 2(4) of the Act. Learned counsel appearing

on behalf of the appellant in support of his case has placed reliance upon the case of Bhoop

Singh Vs. State of U.P. reported in 1989(3) SCC 1 wherein when the question was raised, this

Court upheld the convictions but so far as sentences are concerned, as on the date of

occurrence, the

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accused in that case was a child within the meaning of Section 2(4) of the Act and on the date

of judgment of this Court, he had become 30 years of age, the Court directed him to be

released after setting aside the sentences observing that he could not have been sent to any

approved school. In our view, the present case is squarely covered by the aforesaid decision.

Accordingly, the appeal is allowed in part and while upholding convictions and the

sentences of fine, the sentences of imprisonment for the aforesaid offences awarded against

him are set aside. The appellant who is on bail is discharged from the liability of bail bonds.

[ H.K. SEMA ]

.....J

NEW DELHI,

MAY 05, 2005.