

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 314 OF 2019
(@ SPECIAL LEAVE PETITION (CRL.)NO. 294 OF 2019)

SANTOSH KUMAR SHUKLA

...APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH

...RESPONDENT(S)

O R D E R

1. Leave granted.

2. We have heard learned counsel appearing on behalf of the appellant as well as learned counsel appearing on behalf of the respondent-State.

3. For setting fire to the cycle shop of complainant-Brij Mohan Prajapati (PW-1) in the night of 13.02.1997 at about 04.30 a.m., the appellant-accused was convicted under Section 436 IPC and sentenced to undergo R.I. for three years along with a fine of Rs.3,000/-. In appeal the High Court affirmed the conviction as well as the sentence of imprisonment.

4. Vide order dated 07.01.2019 notice was issued only limited to the quantum of sentence. As per jail certificate filed by the appellant, the appellant-accused is in custody and is undergoing the sentence of imprisonment from 13.04.2018 onwards.

5. Learned counsel appearing on behalf of the respondent-State raised strong objection for modifying his sentence and submitted that the occurrence was grave in nature and no indulgence be shown to the appellant-accused.

6. Considering the fact that the occurrence was of the year 1997 and the period of sentence which the appellant has undergone and considering the facts and circumstances of the case, we deem it appropriate to reduce the sentence of imprisonment imposed upon the appellant from three years to one year.

7. The appeal is partly allowed.

.....J.
[R. BANUMATHI]

NEW DELHI
19TH FEBRUARY, 2019

.....J.
[R. SUBHASH REDDY]

ITEM NO.5

COURT NO.8

SECTION II

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 294/2019
(Arising out of impugned final judgment and order dated 22-08-2017
in CRLA No. 573/1998 passed by the High Court Of Judicature At
Allahabad, Lucknow Bench)

SANTOSH KUMAR SHUKLA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(with appln. For exemption from filing O.T)

Date : 19-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Prashant Shukla, Adv.
Mr. Suyash Srivastava, Adv.
Mr. S.P. Tanti, Adv.
Mr. Shekhar Kumar, AOR

For Respondent(s) Mr. Rohit K. Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is partly allowed in terms of the signed
order.

Pending application(s), if any, shall also stand disposed
of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER