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SLP(Crl.)No. 742 OF 2001

ITEM No.37

Court No.11

SECTION II  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 742/2001

(From the judgement and order dated 16/03/2000 in CRLA. 2235/80  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

TEJ PAL

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

( With Appln(s). for c/delay in filing SLP and bail  
and permission to place addl. documents on record )

Date : 20/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. R.B.Hathikhanwala,adv.for  
M/s. Hathi & Co.

For Respondent (s) Mr. C.D.Singh,adv.for  
Mr. Pramod Swarup,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....  
.SP2

Delay condoned.  
Leave granted.  
Appeal is allowed.  
Order of the High Court imposing the sentence is  
modified and the appellant is sentenced to undergo  
imprisonment for the period already undergone which is  
stated to be from 15th September, 2000 till date. The  
appellant shall be released forthwith, if his detention  
is not required in any other case.

.SP1  
Sushma (S. Malkani)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 535 OF 2001@@  
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Tej Pal ...Appellant

vs.

State of U.P. ...Respondent

ORDER

.....L.....I.....T.....T.....T.....T.....T.....J.....  
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Delay condoned.  
Leave granted.  
Heard learned counsel for the parties.

At the outset, the learned counsel for the appellant drew our attention to the order dated 6th of December 2000 in Criminal Appeal No.1090 of 2000 - Bachhu Singh Surendra Babu & Ors. vs. State of U.P. and submitted that this appeal may be disposed of by passing similar order. By the order dated 6th of December 2000, this Court allowed the Criminal Appeal No.9020 of 2000 which was filed by co-accused. Taking note of the compromise entered between the parties, this Court modified the order passed by the High Court by confining the substantial sentence to the period of imprisonment already undergone.

This appeal filed by accused Tejpal is directed against the judgment which was under challenge in the

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afore-mentioned appeal. The compromise arrived at between the parties also covers the case of the appellant. In the circumstances, we are inclined to accept the submission of the learned counsel for the appellant. This appeal should, therefore, be disposed of by passing similar order as in the above mentioned decided case. Accordingly, the appeal is allowed. Order of the High Court imposing the sentence is modified and the appellant is sentenced to undergo imprisonment for the period already undergone which is stated to be from 15th September 2000 till date. The appellant shall be released forthwith, if his detention is not required in any other case.

.SP1

.....J.  
(D.P. Mohapatra)

.....J.  
(Shivaraj V. Patil)

New Delhi;  
Dated: 20th April, 2001.