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SLP(Crl.)No. 665 OF 2003  
ITEM No.40

Court No. 5

SECTION IIA  
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. 665/2003

(From the judgement and order dated 25/06/2002 in CRLA 873/01  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

MAHMAD ILIYAS ABDULMIYA SHAIKH

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

( With Appln(s). for exemption from filing O.T. and bail )  
( With Office Report )

Date : 17/04/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s) Mr. S.C. Patel,Adv.

For Respondent (s) Mr. Yashank T. Adhiyaru, Sr. Adv.  
Ms. Hemantika Wahi,Adv.

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

.....L.....I.....T.....T.....T.....T.....T..J.  
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Leave granted.

Heard learned counsel for the parties for twenty  
minutes.

If the appellant has served the substantive  
sentences as awarded hereinabove and if appellant has  
paid the fine, he shall be released, if he is not wanted  
in any other case, otherwise the appellant shall undergo  
the remainder of his sentence awarded by us. The appeal  
is accordingly disposed of.

.SP1

(R.K. Dhawan)  
Court Master

(Suraj Prakash)  
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. 589 OF 2003@@  
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(Arising out of SLP(Crl) No.665 of 2003)

Mahmad Iliyas Abdulmiya Shaikh

Appellant.

versus

State of Gujarat

Respondent(s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....J  
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Leave granted.  
Heard learned counsel for the parties.

A limited notice issued in this appeal is as to the quantum of sentence to be awarded to the appellant. The trial court finding the appellant guilty of offence punishable under Section 326 IPC awarded him life imprisonment and a fine of Rs.1000/- in default of payment of fine three months rigorous imprisonment was ordered and for an offence under Section 324 IPC the appellant was directed to undergo imprisonment for a period of three years and a fine of Rs.1,000/- and in default of payment of fine one month rigorous imprisonment. Further for an offence under Section 506(2) IPC the appellant was sentenced three months rigorous imprisonment and a fine of Rs. 1,000/- in ...2/-

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default of payment of fine to undergo further period of rigorous imprisonment for one month. The court also directed all substantive sentences to run concurrently. The High Court confirmed the said judgment.

The appellant was accused of throwing acid at the complainant and three other family members of her's. The medical evidence shows that the injuries suffered by these persons are simple in nature, therefore, on the facts and circumstances of this case and taking into consideration the age of the appellant, we think that ends of justice will be met if the appellant is sentenced to suffer rigorous imprisonment for a period of five years for an offence punishable under Section 326 IPC. We maintain all other sentences including the sentences of fine awarded and the sentences awarded in default of payment of fine. We also direct that the substantive sentences to run concurrently. However, the appellant shall be entitled for remission as provided under Section 428 of Code of Criminal Procedure.

If the appellant has served the substantive sentences as awarded hereinabove and if appellant has ...3/-

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paid the fine, he shall be released, if he is not wanted in any other case, otherwise the appellant shall undergo the remainder of his sentence awarded by us. The appeal is accordingly disposed of.

.SP1

.....J.

(N. SANTOSH HEGDE)

.....J.  
(B.P. SINGH)

New Delhi,  
April 17, 2003