

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 930 of 2006

Siddique Ali & Ors.

....Appellants

Versus

State of Assam

....Respondent

With Criminal Appeal Nos. 931/2006 & 932/2006

ORDER

As many as 19 persons were charged with the offences punishable under Sections 147, 148, 149, 447, 427, 436, 379, 326 and 302 read with Section 149 of the IPC in connection with an incident that took place on 13.07.1997 in village Darrang within the Police Station Kalaigaon in the State of Assam. Two out of those sent up for trial were declared to be absconders while a third passed away during the trial, leaving a total of 16 persons who were tried together by the District and Sessions

Judge, Darrang, Mangaldol. The trial Court while acquitting one of the accused persons convicted 13 persons, 5 of whom were found guilty of murder and sentenced to suffer imprisonment for life, while the remaining 8 who are appellants in Criminal Appeal Nos. 930, 931 and 932 of 2006 were found guilty for offence punishable under Section 147, 148, 447 read with Section 149 IPC and sentenced to undergo imprisonment for one year.

Aggrieved by the conviction, the appellants filed Criminal Appeal No. 311 of 2003 before the High Court of Assam at Gauhati who has upon a reappraisal of the evidence, upheld the conviction of the appellants and the sentence of one year awarded to them for each one of the offences with the direction that the sentences shall run concurrently. The present appeals assail the correctness of the order passed by the High Court.

When these appeals came for hearing before us on 19.1.2012, it was submitted on behalf of the learned counsel for the appellants that the appellants had already undergone more than three months imprisonment out of the period of one year

awarded to them. We had therefore, directed the State to verify the position and indicate the actual period of imprisonment already suffered by the appellants in these appeals. In compliance with the said direction, an affidavit sworn by Mr. Joydeep Shukla, Extra Assistant Commissioner, Government of Assam, has been filed, in paragraph 5 to 12 whereof the period undergone by each one of the appellant has been set out. A reading of the affidavit shows that the appellants Md. Abdur Rehman, Md. Habibur Rehman, Faizur Rehman, Md. Hazrat Ali, Siddique Ali, Md. Sadek Ali, Md. Hamed Ali and Anowar Hussein have undergone a period of six months each out of the period of one year awarded to them. The remaining two appellants, namely, Md. Hazrat Ali, Siddique Ali have undergone an imprisonment of five months and four months respectively.

In the light of the affidavit aforementioned, it is argued by the learned counsel for the appellants that the sentence awarded to the appellants could be reduced to the period already undergone having regard not only to the fact that the appellants

are fairly aged but also because the incident in question had taken place nearly two decades ago. The incident in question had taken place as early as on 13.07.1997. The trial court's judgment came nearly six years after the date of the incident. The appeal preferred before the High Court also took nearly three years to be disposed of. The present appeals have been pending in this Court for the past eight years. In the totality of all these circumstances, we are of the view that the sentence of imprisonment of one year awarded to the appellants in these appeals can be reduced to the period already undergone. We order accordingly. The appeals are disposed of with the above modification. The appellants are on bail. Their bail bonds stand discharged.

.....J.

(T.S. THAKUR)

.....J.

(R. BANUMATHI)

New Delhi
September 25 , 2014

ITEM NO.103

COURT NO.3

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

Criminal Appeal No.930/2006

SIDDIQUE ALI & ORS.

Appellant(s)

VERSUS

STATE OF ASSAM

Respondent(s)

(with appln. for permission to file addl documents & office report)

WITH

Crl.A. No. 933/2006

(With Office Report)

Crl.A. No. 934/2006

(With Office Report)

Crl.A. No. 935/2006

(With Office Report)

Crl.A. No. 932/2006

(With Office Report)

Crl.A. No. 931/2006

(With Office Report)

Date : 25/09/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. Azim H. Laskar, Adv.

Mr. Sachin Das, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Ankolekar Gurudatta, Adv.

For Respondent(s)

Mr. Navnit Kumar, Adv. for

M/s Corporate Law Group

UPON hearing the counsel the Court made the following

O R D E R

Crl.A.Nos.930, 931 and 932/2006 are disposed of.

Crl.A.Nos.933, 934 and 935/2006 will be listed after
Dussehra holidays.

(USHA BHARDWAJ)
AR-CUM-PS

(VEENA KHERA)
(COURT MASTER)

Signed order is placed on the file.