

D#

Crl.A.No. 383 OF 1995

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

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

ITEM NO. 106 COURT NO. 4 SECTION II

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. 383/1995

Ram Swaroop Singh .. Appellant (s)

Vs.

State of U.P. .. Respondent(s)

(With office report)

DATE : 8.8.2002 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) : Ms. Rachna Gupta, Adv.

For Respondent (s) : Mr. Vishwajit Singh, Adv.
Mr. Tipurari Ray, Adv.
Mr. A.S. Pundir, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Ms. Rachna Gupta, learned counsel argued from 12.45 p.m. to 12.50 p.m.

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

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

.....L.....T.....T.....T.....T.....T.....T.....J.....
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 383/1995@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

Ram Swaroop Singh .. Appellant
Vs.
State of U.P. .. Respondent

O_R_D_E_R@@
AAAAAAAAA

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

The appellant before us was convicted for an offence arising under Section 7 (g) of the U.P. Pradeshik Armed Constabulary Act, 1984. The trial Court convicted him and sentenced him to undergo imprisonment for a period of three years.

On appeal, the High Court while dismissing the appeal reduced the period of sentence to one year. It is stated that throughout the period of trial and even after conviction he continued to be on bail. The offence is stated to have been committed on 31.5.1973 which is nearly 30 years ago.

In the facts and circumstances of the case we think the view taken by the High Court and the trial Court in convicting the appellant is proper and correct. However, considering the time lag between the date of the offence and now, we do not think he should be recommitted to prison. It would be appropriate to convert the sentence imposed upon him to that of a fine of

..2/-

: 2 :

Rs.3,000/- and in default to undergo imprisonment for the period sentenced by the High Court.

The order of the High Court is modified accordingly. The appeal is accordingly partly allowed.

.SP1

.....J@@
AAAAAAAAAAAAAAAAAAAA
[S. RAJENDRA BABU]@@
AAAAAAAAAAAAAAAAAAAA

.....J@@
AAAAAAAAAAAAAAAAAAAA
[P.VENKATARAMA REDDI@@
AAAAAAAAAAAAAAAAAAAA

New Delhi,@@
AAAAAAAAAA
August 8, 2002 @@
AAAAAAAAAAAAAAAA