

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. 420 OF 2000

MOHD. AMANULLA KHAN

Appellant (s)

VERSUS

STATE THR.INSPECTOR OF POLICE, A.P.

Respondent(s)

(With application for permission to file additional documents and office report)

Date: 22/02/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. K. Maruthi Rao,Adv.

Ms. K. Radha,Adv.

Mr. D. Mahesh Babu,Adv.

For Respondent(s)

Mrs.D. Bharathi Reddy,Adv.

Mr. P. Vinay Kumar,Adv.

Ms. Sneha Bhaskaran,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed. Bail bonds of the appellant, who is on bail, are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence for which compliance report must be sent to this Court within a period of one month from the date of receipt of copy of this order by the Trial Court.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 420 OF 2000

Mohd. Amanulla Khan

..Appellant(s)

Versus

State through Inspector of Police, Andhra Pradesh ..Respondent
(s)

O R D E R

Heard learned counsel for the parties.

The appellant, along with accused Mohd. Sardar Khan, was tried and by judgment rendered by the trial court, while accused Mohd. Sardar Khan was acquitted, the appellant was convicted under Section 306 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.200/-; in default to undergo further imprisonment for a period of one month. The appellant was further convicted under Section 498A I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.100/-; in default to undergo further imprisonment for a period of 15 days. Both the sentences, however, were ordered to run concurrently. Against the order of acquittal, no appeal was preferred by the State of Andhra Pradesh; whereas on appeal being preferred by the appellant, the High Court confirmed the

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conviction but reduced the sentence under Section 306 I.P.C. from five years to three years. Hence, this appeal by special leave.

The conviction of the appellant is based upon the two dying declarations; one made before the Police, which is Exhibit P-6 and another made before the Magistrate, which is Exhibit P-

5. Both the dying declarations are consistent and no infirmity could be pointed out therein. The trial court as well as the High Court have recorded conviction of the appellant upon due consideration of evidence and we do not find any infirmity therein.

The appeal, accordingly, fails and the same is dismissed.

Bail bonds of the appellant, who is on bail, are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence for which compliance report must be sent to this Court within a period of one month from the date of receipt of copy of this order by the Trial Court.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

.....J.

[DALVEER BHANDARI]

New Delhi,

FEBRUARY 22, 2006.