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SLP(Crl.)No. 1797 OF 2003
ITEM No.208

Court No.11

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. 1797/2003
(From the judgement and order dated 28/06/2002 in CRLA 242/91
of The HIGH COURT OF PATNA)

SHEOJATAN RAI & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

(With Appln(s). for bail)
(For Final Disposal)
(With Office Report)

Date : 12/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. S. Chandra Shekhar,Adv.

For Respondent (s) Mr. Irshad Ahmad,Adv.for
Mr. B.B. Singh,Adv.

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

Heard the learned counsel for the parties

for ten minutes.

Leave granted.

The appeal stands disposed of in terms of signed order.

(Y.P. Dhamija) (Veera Verma)
AR-cum-PS Court Master
Signed order is placed on file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1149 OF 2003
(arising out of S.L.P.(CRL) No. 1797/2003)

Sheojatan Rai & Ors.

...

APPELLANT (S)

VERSUS

State of Bihar

...

RESPONDENT (S)

O R D E R

Leave granted.

Heard the learned counsel for the appellants and counsel for the State.

All these appellants have been convicted for the offence under section 148 and section 323 IP C. They have been sentenced to imprisonment for 3 years under section 148 and 2 years under section 323 IPC. It is submitted by the counsel for the appellants that the imprisonment for the offence under section 323, the maximum sentence that could have been awarded was only one year and it is submitted that disregarding this the appellants have been awarded sentence for a period of 2 years. It is also submitted that the incident happened on 17th March 1974. Having regard to the facts and circumstances of the case, we hold that Appellant No.1 Sheojat an Rai, appellant No.2 Chhathu Rai, appellant No.3 Jhulan Rai, appellant No.4 Ram Shankar Rai and appellant No.7 Kishori Rai will undergo for imprisonment for a maximum period of 6 months for the various offences for which they have been convicted. The appeal is dismissed against appellant Nos.5 and 6.

The appeal is disposed of accordingly.

.....J.

(K.G. BALAKRISHNAN)

.....J.

(B.N. SRIKRISHNA)

New Delhi,

September 12, 2003.