

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(s). 761 OF 2003

MD. ARIF HUSSAIN AND ORS.

Appellant (s)

VERSUS

STATE OF BIHAR AND ANR.

Respondent(s)

(With office report )

WITH APPEAL(CRL) NO. 762 of 2003

(With office report)

Date: 15/07/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Ms. Garima Kapoor, Adv.  
Mr. Ejaz Maqbool, Adv.

For Respondent(s) Mr. Gopal Singh, Adv.  
Mr. Anuj Prakash, Adv.

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

The Appeals are disposed of.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 761 OF 2003

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WITH

CRIMINAL APPEAL NO. 762 of 2003

O R D E R

Heard the learned counsel for the parties.

These Appeals, by special leave, have been filed against the impugned judgment of the High Court of Patna dated 26.09.2002.

The facts of the case have already been stated in the impugned judgment of the High Court, and hence we are not repeating them here.

On the facts and circumstances of the case and to do substantial justice between the parties, we are of the opinion that ends of justice will be sub-served if, while maintaining the conviction of the appellants, we alter the sentence to the period already undergone by the appellants. We order accordingly. However, the fine and default clause shall remain intact. The impugned judgment of the High Court is modified to that extent.

The Appeals are disposed of accordingly.

.....J  
(MARKANDEY KATJU)

.....J  
(T.S. THAKUR)

NEW DELHI  
JULY 15, 2010.