

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. 471 OF 2000

NAURTU SINGH & ANR.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(With office report)

Date: 09/03/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Sushil Kumar, Sr. Adv.

Mr. K.B. Sinha, Sr. Adv.

Ms. Kamini Jaiswal, Adv.

Ms. Shomila Bakshi, Adv.

Ms. Sunita Diwedi, Adv.

Mr. Y.P. Singh, Adv.

Mr. C. Siddharth, Adv.

Mr. Sandeep Singh, Adv.

Mr. S.N. Pandey, Adv.

MS. P. Purnima, Adv.

For Respondent(s)

Mr. N.S. Gahlot, Adv.

Mr. Prashant Choudhary, Adv.

Mr. Raj Singh Rana, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed in part and while upholding conviction of the

appellants, the sentence of imprisonment is reduced to the period already undergone and each of them is directed to pay a fine of Rs. 50,000/- which shall be deposited in the trial Court within a period of one month from today, in default, to undergo further imprisonment for a period of three years. In case the fine is deposited, the same shall be paid to the wife and son of the deceased in equal proportion. The appellants who are on bail are discharged from the liability of bail bonds.

[ Charanjeet Kaur ]  
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. 471 OF 2000

Naurtu Singh and Anr. ...Appellant(s)

Versus

State of Uttar Pradesh ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellants along with accused Mahesh Chand and Virender Kumar were tried and by judgment rendered by the trial Court, all of them were acquitted of the charge. On appeal being preferred, the High Court maintained the order of acquittal in relation to accused Mahesh Chand and Virender Kumar but so

far as the two appellants are concerned, the same has been reversed and they have been convicted under Section 304 Part-II read with Section 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of seven years. Hence, this appeal by special leave.

..2/-

Mr. Sushil Kumar, learned senior counsel for the appellants in support of the appeal very fairly placed the judgments rendered by the High Court as well as the trial Court and the evidence of witnesses. Having given our anxious consideration to the entire matter, we are of the view that the judgment of the trial Court suffers from the vice of perversity as such, the High Court was quite justified in reversing the same and convicting the appellants. We do not find any ground to interfere with the conviction of the appellants.

Learned counsel next submitted that the appellants have remained in custody for a period of more than one year and the occurrence had taken place in the year, 1983, as such the sentence of imprisonment awarded against them may be reduced to the period already undergone. In the facts and circumstances of the case, we are of the view that ends of justice would be met in case the sentence of imprisonment awarded against the appellants is reduced to the period already undergone and in lieu

thereof each one of them is directed to pay fine of Rs. 50,000/-.

Accordingly, the appeal is allowed in part and while upholding conviction of the appellants, the sentence of imprisonment is reduced to the period already undergone and

..3/-

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each of them is directed to pay a fine of Rs. 50,000/- which shall be deposited in the trial Court within a period of one month from today, in default, to undergo further imprisonment for a period of three years. In case the fine is deposited, the same shall be paid

to the wife and son of the deceased in equal proportion. The appellants who are on bail are discharged from the liability of bail bonds.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

March 09, 2006.