

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.324 OF 2007

DAULAT & ANR. Appellant (s)

VERSUS

STATE OF M.P Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 22/01/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Mr. S.S. Khanduja,Adv.
Mr. Yash Pal Dhingra,Adv.

For Respondent(s) Mr. Siddharth Dave,Adv.
Ms. Vibha Datta Makhija,Adv.
Ms. Jemtiben Ao,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

The criminal appeal is dismissed.

[Alka Dudeja]
Court Master

[Ramesh Joshi]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.324 OF 2007

Daulat and Anr. ...Appellant(s)

Versus

State of Madhya Pradesh ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Trial Court acquitted the appellants of the charge under Section 376 of the Indian Penal Code [hereinafter referred to as the "I.P.C."]. When the matter was taken to the High Court in appeal, the order of acquittal has been reversed and the appellants have been convicted under Section 376 I.P.C. and awarded sentence of seven

years and to pay fine of Rs.1,000/- each; in default, to undergo further imprisonment for a period of three months. Hence, this appeal by special leave.

We have heard learned counsel for the parties and perused the evidence. In our view, the order of acquittal rendered by Trial Court was perverse one; as such, the High Court was quite justified in reversing the same and convicting the appellants under Section 376 I.P.C. It was also justified in awarding the minimum sentence of seven years. In view of these facts, we do not find any ground to interfere with the impugned order.

The criminal appeal is, accordingly, dismissed.

.....J.
[B.N. AGRAWAL]

.....J.
[AFTAB ALAM]

New Delhi,
January 22, 2008.