

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 940 of 2000@@  
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(Arising out of SLP(Crl) No. 629/1999)

State of U.P.

...Appellant (s)

Versus

Prakash

...Respondent(s)

O R D E R ~@@  
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Leave granted.

The State of U.P. assails the impugned order of the High Court of Allahabad whereunder the learned Judge though upheld the conviction but altered the sentence as period already undergone. For the conviction under Section 376 IPC, the accused was sentenced to undergo rigorous imprisonment for 6 years and 3 years under Section 452 IPC. We really fail to understand how the High Court having upheld the conviction, reduced the sentence as already stated. The learned counsel for the accused however submitted that the accused was misled by an earlier judgment of the said High Court on the question of plea bargain and therefore the matter should be remitted back to the High Court for reconsideration of the appeal on merits. We find sufficient force in the aforesaid  
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(2)

submission. In this view of the matter while we set aside the impugned order of the High Court, we direct that the Criminal Appeal No. 228/80 be heard and disposed of by a Single Judge of the Allahabad High Court at an early date.

The appeal stands disposed of accordingly.

.....J@@  
BBBBBBBBBBBBBBBBBBBB  
( G.B. PATTANAIAK )@@  
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New Delhi,  
November 06, 2000.

.....J@@  
BBBBBBBBBBBBBBBBBBBB  
( U.C. BANERJEE )@@  
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.PA  
.PL70  
ITEM No.32

Court No. 3

SECTION II  
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. 629/1999

(From the judgement and order dated 05/12/1997 in CRLA 2228/80  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

PRAKSH

Respondent (s)

( With Office Report )

Date : 06/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. T.N. Singh, Adv. for  
Mr. Pramod Swarup, Adv.

For Respondent (s) Mr. P.N. Puri, Adv.

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

.....L.....I.....J  
.SP2

Leave granted.  
Appeal stands disposed of in terms of the signed  
order.

.SP1

(J.S. Rawat)  
Court Master

(Suneet Bala Sharma)  
Court Master

(Signed order is placed on the file)