

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.1546/2011

BHOOP SINGH

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

This appeal, by way of special leave, is directed against the judgment dated 10.02.2009 passed by the High Court of Madhya Pradesh at Gwalior Bench in Criminal Appeal No. 821 of 2000 whereby the High Court upheld the conviction and life sentence of the appellant herein under Section 147, 302/149 IPC.

Learned counsel appearing for the appellant submits that the appellant has completed 14 years' incarceration after remission. However, learned counsel appearing for the State denies the said fact and states that the appellant has only undergone 13 years of sentence. It was informed by the learned counsel for the State that, as per the Remission Rules of the State of Madhya Pradesh, the accused are entitled to premature release only after completion of 14 years of actual sentence.

On merits, the learned counsel appearing for the appellant submits that all the eyewitnesses examined by the prosecution had turned hostile and did not support the case of prosecution. However, the learned counsel for the state strongly refutes the above contention and submits that the impugned judgment requires no interference.

Having heard the learned counsel appearing for the parties and perusing the material available on record, we note that the Trial Court convicted the appellant on the basis of testimony of two eyewitnesses, i.e., Shivdayal (PW1) and Kamlesh (PW2). These witnesses were declared hostile only in respect of the three accused who were acquitted by the Trial Court. The testimony of

these witnesses regarding the presence and participation of the appellant withstands scrutiny. The High Court also noted the same while upholding the conviction and sentence of the appellant. Therefore, we see no reason to interfere with the impugned judgment.

The Criminal Appeal is, accordingly, dismissed.

Needless to say that the bail granted by this Court on 8-8-2011 to the appellant stands cancelled and he is directed to surrender within a period of two weeks from today before the concerned Trial Court to serve out the remaining period of sentence, failing which the concerned Police Authorities shall take him into custody for the purpose.

After completion of 14 years of actual sentence, we grant liberty to the appellant to make a representation to the State for his premature release as per the Remission Rules of the said State, which shall be considered by the State in accordance with law.

.....J
(N.V. RAMANA)

.....J
(MOHAN M. SHANTANAGODAR)

.....J
(SANJIV KHANNA)

NEW DELHI;
12TH FEBRUARY, 2020.

ITEM NO.108

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Date : 12-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s)

Mr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, AOR
Ms. Vimishma Kaul, Adv.

For Respondent(s)

Mr. Harsh Parashar, AOR
Ms. Tanvi Bhatnagar, Adv.
Mrs. Swarupama Chaturvedi, AOR (Not present)

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

The Criminal Appeal is dismissed in terms of the signed order.

Needless to say that the bail granted by this Court on 8-8-2011 to the appellant stands cancelled and he is directed to surrender within a period of two weeks from today before the concerned Trial Court to serve out the remaining period of sentence, failing which the concerned Police Authorities shall take him into custody for the purpose.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)

