

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1107 OF 2015

BELIM KARIMMIYA MATUMIYA

Appellant(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

O R D E R

1. An incident occurred in the year 1986 involving a concerted attack on one Sureshbhai, who was injured alongwith PW-1-Hasmukh Chaganlal, who intervened. Four accused were arrayed of whom one remains absconding. Another accused has since been died, the special leave petition filed by him has been dismissed.

2. Mr. K. Parameshwar, learned senior counsel appearing for the appellant-accused submits that the alleged attack by the appellant on Hasmukh Chaganlal did not cause any injury which would result in a conviction under Section 326 of the Indian Penal Code, 1860 (for short "IPC"). The medical certificate only indicates an incised wound

on the right hand, without a fracture, when the appellant is said to have thrashed the PW-1 Hasmukh Chaganlal with a Scythe.

3. Ms. Deepanwita Priyanka, learned counsel appearing for the State seeks to uphold the judgment passed by the High Court. Ms. Prerna Mehta, learned counsel appearing for the injured submits that she has no objection if the accused is released.

4. In the context of injuries caused and especially the fact that the appellant was not among the three persons who followed Sureshbhai, who was injured and later died before the trial could be commenced, we are of the opinion that the appellant, having already undergone four months of imprisonment under Section 323 IPC, can be permitted to be released.

5. The appeal is allowed. The impugned judgment and order dated 10th January, 2013 passed by the High Court is set aside.

6. Since the appellant is already on bail, his bail bond(s) stands discharged.

7. Pending application(s), if any, stand(s) disposed of.

.....J
(K. VINOD CHANDRAN)

.....J
(N.V. ANJARIA)

New Delhi
September 01, 2025

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

Criminal Appeal No(s). 1107/2015

BELIM KARIMMIYA MATUMIYA

Appellant(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

Date : 01-09-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE N.V. ANJARIA

For Appellant(s) :

Mr. K. Parameshwar, Sr. Adv.
Ms. Aruna Gupta, AOR
Mr. Ramesh Allanki, Adv.
Mr. Syed Naqvi Ahmed, Adv.

For Respondent(s) :

Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR

Ms. Prerna Mehta, AORUPON hearing the counsel the Court made the following
O R D E R

1. The appeal is partly allowed in terms of the signed order.
2. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

[Signed order is placed on the file]

(AVGV RAMU)
COURT MASTER (NSH)