

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(s). 1125 OF 2004

TRIBHUWAN SINGH & ANR. Appellant (s)

VERSUS

STATE OF U.P. Respondent(s)

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

Date: 13/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. T.N. Singh,Adv.  
Mr. V.K.Singh,Adv.  
Mr. Vikram Singh,Adv.

For Respondent(s)

Mr. Prashant Chaudhary,Adv.  
Mr. S.K.Dwivedi,Adv.  
Mr. Samil Ali Khan,Adv.  
Mr. Manoj Dwivedi,Adv.  
Mr. Gunnam Venkateswara Rao,Adv.

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

With modification in the sentence the appeal  
is dismissed.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER

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

CRIMINAL APPEAL NO. 1125 OF 2004

TRIBHUWAN SINGH & ANR. .. APPELLANT(S)

vs.

STATE OF U.P. .. RESPONDENT(S)

O R D E R

We are informed by the learned counsel for the

appellants that Tribhuwan Singh, the appellant has since died. The appeal qua him is accordingly disposed of as having abated. The Appeal qua Jagdish Singh only survives.

We have heard the learned counsel for the parties.

The incident happened in the year 1977. Both sides

had received injuries and two persons had died from amongst the complainant party.

It had been found on investigation that 21 accused in all had been involved.

We find that out

of 21 accused, 18 were acquitted either by the Trial Court or by the High Court, two had died subsequently and the appellant is the sole survivor of what happened in 1977.

The High Court after holding that the appellant had exceeded the right of private defence has awarded a sentence of five years R.I. under Section 304 Part II of

the IPC. We feel that in the light of the above facts more

-2-

particularly as 34 years have elapsed and the appellant is said to be more than 72 years of age, the ends of justice would be met if the sentence is reduced from five to two years R.I.

With this modification in the sentence the appeal is dismissed.

.....J.  
(HARJIT SINGH BEDI)

.....J.  
(CHANDRAMAULI KR. PRASAD)

New Delhi,  
April 13, 2011.