

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). 1367 OF 2006

GOPICHAND

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for bail and office report)

Date: 13/01/2011 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. R.P.Gupta, Sr. Adv.
Ms. Debopanna Roy, Adv.
Mr. Parmanand Gaur, Adv.

For Respondent(s)

Mr. Shankar Chillarge, Adv.
Mr. Ravindra Keshavrao Adsure, Adv.
Ms. Asha G.Nair, Adv.

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

With modification in the sentence the appeal is
dismissed.

The appellant is on bail. He shall be taken into
custody forthwith to undergo the remaining part of the
sentence.

[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. 1367 OF 2006

GOPICHAND

.. APPELLANT(S)

vs.

STATE OF MAHARASHTRA

.. RESPONDENT(S)

O R D E R

On 24th April, 2006 we had issued notice limited to

the quantum of sentence.

The appellant herein was tried for an offence punishable under Sections 314 and 304 Part II of the IPC read with Sections 33 and 36 of the Maharashtra Medical Practitioner's Act, 1960. He was convicted by the Trial Court under Sections 314 and 304 Part II of the IPC and sentenced to rigorous imprisonment for 10 years and a fine of Rs.2000/-, both sentences to run concurrently. The judgment of the Trial Court has been confirmed by the High Court in appeal.

As per the prosecution story the appellant who was an untrained Doctor having a qualification in Aurved Electropathy, administered two injections to Smt. Sunita wife of Ashok Tekam, complainant to abort her pregnancy. As the procedure was apparently not carried out in a proper way, excessive bleeding resulted, leading to the death of Smt. Sunita.

-2-

The incident happened sometime in the year of 2001. The maximum sentence prescribed under Sections 314 and 304 Part II of the IPC is ten years. We are also told by Mr. Gupta, the learned senior counsel for the appellant, that the appellant was a young man, now 40 years of age and he had already undergone two years and three months of the sentence. We also see that Ashok Tekam and the deceased had both sought the services of the appellant for performing an abortion. Accordingly, we feel that the ends of justice would be met if the sentence of the appellant is reduced from ten years to five years.

With this modification in the sentence, the appeal is dismissed. The appellant is on bail. He shall be taken into custody forthwith to undergo the remaining part of the sentence.

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

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

New Delhi,
January 13, 2011.