

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(s).2864/2012

(From the judgement and order dated 31/10/2011 in CRLA No.75/1982,  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAM SUNDER Petitioner(s)

VERSUS

STATE OF U.P. Respondent(s)

(With appln(s) for bail,exemption from filing O.T. and office  
report )

Date: 11/04/2014 This Petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)  
Mr. Manoj Prasad, Sr.Adv.  
Mr. Ashutosh Dubey, Adv.  
Mr. Rohit Singh,Adv.  
Mr. Ajay Srivastava, Adv.

For Respondent(s)  
Mr. Ameet Singh, Adv.  
Ms. Alka Sinha, Adv.  
Mr. Anuvrat Sharma,Adv.

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

Leave granted.  
We reduce the sentence imposed on the  
appellant from four years to the period already undergone.  
Let the appellant be released forthwith.  
The appeal is disposed of in terms of the  
signed order.

(Sukhbir Paul Kaur) (Indu Bala Kapur)  
Court Master Court Master

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

CRIMINAL APPEAL NO.862 OF 2014  
(Arising out of Special Leave Petition(Crl.)No. 2864 of 2012)

RAM SUNDER Appellant(s)

Versus

STATE OF U.P. Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

On 7th February, 2014 this court had passed the following order :-

"At the time when the offence was committed, which took place in the year 1977, the petitioner herein was about 25 years of age. After a lapse of 35 years and at the time when the petitioner is about 60 years of age, the matter has reached this Court. The trial Court convicted the petitioner under Section 307 IPC and sentenced him to four years rigorous imprisonment. Before being released on bail, the petitioner had already served more than two years of the sentence.

Keeping in view of the aforesaid facts and circumstances of the case, we are of the opinion that it would be in the interests of justice to reduce the sentence imposed on the petitioner from four years to the period already undergone.

At this stage, it is brought to our notice by Mr. Gaurav Bhatia, learned Additional Advocate General of the State of Uttar Pradesh, that subsequent to the offence in which the present petition has been filed, the petitioner has been involved in another crime of murder of a person, who is stated to have been witness in this case. In that case, the petitioner has been charge-sheeted and the matter is at the stage of trial.

-2-

In that view of the matter, the entire issue would have to be re-examined. Learned counsel for the parties are directed to ascertain the actual factual position and place the same on the record.

The matter is adjourned till 10th March, 2014."

Learned counsel has filed an affidavit

stating that the appellant, in fact, has never been

involved in any other crime. He has also placed on

record a judgment dated 23.1.1987 passed by Mr. R.P.

Mishra, I Additional Sessions Judge, Azam Garh in

S.T. No. 221 of 1983 titled Sundar aged about 25

years, son of Jagarnath, resident of Village

Mittanpur, P.S. Madhuban, District Azamgarh and

Sanwaree aged about 70 years, son of Dawar, resident

of village Mittanpur, P.S. Madhuban, District  
Azamgarh.

It is pointed out that even these two  
accused persons have been acquitted of the offences  
under Sections 304/34 and 323/34 of the Indian Penal  
Code. It is also submitted that in fact the  
appellant was not an accused in the aforesaid matter  
at all. He was unnecessarily confused with Sunder,  
Son of Jagannath, the name of the appellant being  
Ram Sunder, son of Jagai Yadav.

In this view of the matter, we see no  
reason to modify our order dated 7th February, 2014.

We, therefore, reduce the sentence imposed on the  
-3-

appellant from four years to the period already  
undergone. Let the appellant be released forthwith.

The appeal is, accordingly, disposed of.

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(A.K. SIKRI)

New Delhi,  
April 11, 2014