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ITEM NO.43

COURT NO.8

SECTION II

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 judgment 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 exemption from filing O.T. and bail and office report)

Date: 07/02/2014 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. R.K. Dwivedi, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. K. Uma Shankar, Adv.

Mr. Rohit Singh, Adv.

For Respondent(s)

Mr. Gaurav Bhatia, AAG

Ms. Alka Sinha, Adv.

Mr. Anuvrat Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.

In that view of the matter, the entire issue would have to be re-examined. Leaned 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.

| (VINOD LAKHINA)
| COURT MASTER

| | (INDU BALA KAPUR)
| | COURT MASTER

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