

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.).../2000
(From the judgement and order dated 15/12/1999 in CRLR 152/91
of The HIGH COURT OF PATNA)

RAM EKBAL UPADHYA & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR
(CRL.M.P. No. 8260/2000 (appln. for compromise) in CRL.M.P. No.
4562/2000)
(With Crl.M.P. No 4562/2000 for c/delay in filing SLP)
(With Office Report)

Respondent (s)

Date : 17/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. Akhilesh Kumar Pandey,Adv.

for Complainant/
Informant

Mr. Praneet Ranjan,Adv.
Mr. Parveen Swarup,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.

.SP2

Delay condoned.
Leave granted.
Appeal is disposed of in terms of the signed order.

.SP1

(N.K. GOEL) (H.K. BHATIA) @@

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COURT MASTER COURT MASTER@@

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(Signed order is placed on the file)

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.PL58

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 989 of 2000@@
EE
(Arising out of S.L.P. (Crl.) 4096 of 2000)
(Arising out of C.C. (Crl.) 4562)

Ram Ekbal Upadhyya & Ors.

..Appellants

Vs.

State of Bihar

..Respondent

O R D E R@@
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.SP2

Leave granted.

Having considered the case with two rival versions of the same occurrence and on the fact situation in this case we think that the offence under Section 307 of the Indian Penal Code as found by the courts below can be altered to Section 326 of the Indian Penal Code. The one injury which is described as a grievous hurt is the loss of the index finger of one of the injured. Though we don't have full materials regarding the injuries sustained by the accused it is an admitted fact that they have also sustained injuries in the same occurrence. Considering all these aspects we alter the section of offence to Section 326 of the Indian Penal Code.

Now coming to the question of sentence we are told that both sides have now come to terms. A joint application has been filed for showing the fact of settlement. The injured are represented in this Court by a counsel and he also confirms the fact that disputes have been settled between the two warring groups.

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In view of the changed situation and also on the peculiar facts and circumstances of this case we are of the opinion that the sentence can be reduced to imprisonment for a period already suffered by the appellants (we are told that appellants have already undergone imprisonment for about 4 months). We, therefore, dispose of this appeal in the above terms.

.SP1

.....J.@@
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(K.T. THOMAS)@@
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.....J.@@
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(R.P. SETHI)@@
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NEW DELHI@@

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NOVEMBER 17, 2000 @@

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