

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 (Cr1) No(s).2515/2010

(From the judgement and order dated 16/11/2009 in CRA No.67/2002 of the HIGH COURT OF GUJARAT AT AHMEDABAD)

VASI @ VASIO PRABHATBHAI RABARI & ORS.

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

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

Date: 12/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. Hazefa Ahmadi,Adv.
Mr. Ejaz Maqbool,Adv.
Mr. Pardhuma Gohil,Adv.
Ms. Sakshi Banga,Adv.
Mr. Faraz Khan,Adv.
Ms. Garima Kapoor,Adv.

For Respondent(s) Ms. Jesal,Adv.
Ms. Hemantika Wahi,Adv.

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

Leave granted.

Heard the learned counsel for the parties. The impugned order passed by the High Court is modified to the extent mentioned in the signed order and the appeal is disposed of accordingly.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

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

CRIMINAL APPEAL NO. 782 OF 2010
(Arising out of SLP(Cr1.) No.2515/2010)

VASI @ VASIO PRABHATBHAI RABARI AND ORS.

Appellant(s)

:VERSUS:

THE STATE OF GUJARAT

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

Appellants have been convicted under Sections 143, 147 & 337 of the Indian Penal Code and sentenced to undergo simple imprisonment for one month. Appellant Nos.1, 3 & 4 have also been convicted and sentenced under Sections 452, 324 & 427 of the Indian Penal Code for a period of six months simple imprisonment.

The incident is more than two decades old. It is submitted that the parties have been peacefully living together for a long time and the accused persons who have been convicted under Sections 143, 147 & 337 of the I.P.C. and sentenced for one month's imprisonment have already undergone imprisonment for 27 days.

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On a consideration of the totality of the facts and circumstances of this case, particularly the nature of injuries and the proximate relationship amongst the parties, we are of the opinion that ends of justice would be met if, while maintaining the conviction of the accused under Sections 143, 147 & 337 of the I.P.C., their sentence is reduced to the period already undergone by them. We direct accordingly.

Appellant Nos.1, 3 and 4 who have been convicted under Sections 452, 324 and 427 of the I.P.C., their sentence is reduced from six months to two months.

The impugned order passed by the High Court is modified to the aforesaid extent and the appeal is disposed of accordingly.

.....J
(DALVEER BHANDARI)

.....J
(K.S. RADHAKRISHNAN)

New Delhi;
April 12, 2010.