

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. 689 OF 2004

LALAN KUMAR YADAV

Appellant (s)

VERSUS

STATE OF BIHAR

Respondent(s)

With

CRIMINAL APPEAL NO. 690 of 2004

(With office report)

CRIMINAL APPEAL NO. 691 of 2004

(With office report)

Date: 16/03/2005 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

in CrI.A.689/2004:

Mr. Prabhash Kumar Yadav, Adv.

Mr. C.P. Yadav, Adv.

Dr. Krishan Singh Chauhan, Adv.

in CrI.A.690/2004:

Mr. Ranjit Kumar, Sr.Adv.

Ms. Bina Gupta, Adv.

Ms. Rakhi Ray, Adv.

Ms. Divya Rao, Adv.

in CrI.A.691/2004:

Mr. P.S. Mishra, Sr.Adv.

Mr. Tathagat H. Vardhan, Adv.

Mr. Upendra Mishra, Adv.

Mr. Amitesh C. Mishra, Adv.

Mr. Dhruv Kumar Jha, Adv.

Mr. C.D. Singh, Adv.

For Respondent(s)

Mr. Kumar Rajesh Singh, Adv.

for Mr. B.B. Singh, Adv.

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UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

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The appeals are allowed in-part and sentence of fine of Rs.one 1
upon each of the appellants is reduced to Rs.1,000/- each; in default to suf
simple imprisonment for a period of one month each. It is further directed tha
sentences of imprisonment awarded by the Trial Court under Section 302 read
with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act
shall run concurrently and not consecutively.

ll as fine, the With the aforesaid modification in sentences as we
appeals are disposed of.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 689 OF 2004

Lalan Kumar Yadav
)

...Appellant (s)

Versus

State of Bihar
)

...Respondent(s)

WITH

CRIMINAL APPEAL NOS. 690 AND 691 OF 2004

O R D E R

The appellants of these three appeals were tried along with seven other accused persons, namely, Manager Yadav, Matuk Yadav, Udai Yadav, Prakash Yadav, Mantu Yadav, Pappu @ Ashwani Yadav and Bijoy Yadav and the Trial Court, while acquitting the other seven accused persons, convicted the appellants under Section 302 read with Section 34 of the Indian Penal Code and sentenced them to undergo imprisonment for life and to pay fine of Rs.one lakh each; in default to undergo rigorous imprisonment for a period of three years. They were further convicted under Section 27 of the Arms Act and sentenced them to undergo rigorous imprisonment for a period of three years. The Court

directed that the sentences of imprisonment awarded shall be consecutive. Against the

order of acquittal, the State did not file any appeal before the High Court; whereas a

revision was filed by the complainant and the accused persons preferred appeals against

their conviction. The High Court dismissed revision application as well as appeals filed by these appellants. Hence, these appeals by special leave.

Having heard learned counsel for the parties and perused the evidence, we are of the view that the High Court has not

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committed any error in upholding conviction of these three appellants, but we feel that

there was absolutely no justification for directing that the sentences of imprisonment

awarded against the appellants would run consecutively. Further

there was no justification also for imposing an exorbitant fine of Rs.one lakh upon each of the appellants.

Accordingly, while upholding the conviction of the appellants, the appeals are

allowed in-part and sentence of fine of Rs.one lakh upon each of the appellants is reduced

to Rs.1,000/- each; in default to suffer simple imprisonment for a period of one month

each. It is further directed that sentences of imprisonment awarded by the Trial Court

under Section 302 read with Section 34 of the Indian Penal Code as well as Section 27 of

the Arms Act shall run concurrently and not consecutively.

With the aforesaid modification in sentences as well as fine,
the appeals are

disposed of.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

March 16, 2005.