

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.897 OF 2014

ASHOK

...Appellant

Vs.

STATE OF MAHARASHTRA

...Respondent

O R D E R

In terms of order dated 15th April, 2013, the only aspect on which this Court was inclined to examine the matter was to examine Exhibits 73 and 80 which are medical certificates regarding mental state of the appellant.

Insofar Exhibit 80 is concerned, on perusal we find that the appellant was declared of sound mind and fit for trial in the relevant time. Subsequently the very document of 2008 shows that the appellant has been diagnosed as a case of 'chronic paranoid schizophrenia currently in partial remission and may be harmful to self or others'. There is also history narrated by the father and old case report from Harsha Hospital, Pune.

A perusal of the aforesaid shows that there is little contemporaneous medical evidence of his mental state not being fit on or around the time of the incident with the material time, not five years later.

Be that as it may, we are faced with the situation where the appellant has now served already fourteen years in custody and thus learned counsel for the respondent-State submits that the case of the appellant can be considered for remission.

We thus direct that the case of the appellant be considered for remission in accordance with the norms, having served minimum sentence and also note may be taken atleast of his subsequent mental health as found in custody as the factor for the same.

Needful be done within two months from today.

The appeal is dismissed but with the aforesaid direction.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

New Delhi;
February 11, 2020.

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(s). 897/2014

ASHOK

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date : 11-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Ms. Manika Tripathy Pandey, AOR
Mr. Ashutosh Kaushik, Adv.
Mr. Brahm Pandey, Adv.

For Respondent(s) Mr. Sushil Karanjkar, Adv.
Mr. Sachin Patil, AOR

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

The appeal is dismissed in terms of the signed
order.

Pending application, if any, shall also stand
disposed of.

(ANITA MALHOTRA)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER

(Signed order is placed on the file.)