

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). 447 OF 2006

JALALUDIN KHAN

Appellant (s)

VERSUS

STATE OF ANDHRA PRADESH

Respondent(s)

(With office report )

Date: 09/06/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR  
[VACATION BENCH]

For Appellant(s) Md.Shahid Anwar, Adv.  
Mr. Raj Kumar, Adv.  
Mr. Naved Khan, Adv.for  
Mr. Sibor Sankar Mishra,Adv.

For Respondent(s) Mr. D. Mahesh Babu,Adv.

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

The Appeal is dismissed in terms of the signed order.

Since, we have dismissed the appeal, he be taken into custody forthwith to serve out the remaining portion of his awarded sentence.

(Parveen Kr. Chawla)  
Court Master

(Indu Satija )  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 447 OF 2006

Jalaludin Khan

..Appellant

versus

State of Andhra Pradesh

..Respondent

O R D E R

All the accused in the present case were charged

under Section 302 read with Section 34 IPC for committing the murder of one M.A.Qadeer.

The learned Additional Metropolitan Sessions Judge, Hyderabad vide judgment dated 24th January, 2003 found them guilty of the offence and punished them to undergo life imprisonment and a fine of Rs.100/- each, in default of payment of fine, to further suffer three month's simple imprisonment. They were also convicted under Section 201 IPC and sentenced to suffer three years rigorous imprisonment and a fine of Rs.100/- each, in default of payment of fine, to suffer three month's simple imprisonment and also under Section 404 IPC. However, all the sentences were directed to run concurrently. The accused were also convicted for charge of conspiracy under Section 120B IPC but no separate sentence was imposed upon them.

Upon appeal, the High Court by its impugned judgment maintained the conviction of all the accused under Section 302 read with Section 34 IPC and other offences, however, acquitted all of them for an offence under Section 120B IPC.

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Aggrieved from the judgment of the High Court, accused Jalaluddin Khan has preferred the present appeal. At the very outset, we may notice that another accused namely Mohd. Sarwar has challenged the same judgment before this Court by way of a special leave petition bearing No.1004 of 2004 which came to be dismissed by order of this Court dated 15th March, 2004.

Learned counsel appearing for the appellant contended that the case of the present appellant-accused is different from that of Mohd. Sarwar, accused in the other special leave petition. This argument hardly impresses us. The accused was charged under Section 302 read with the aid of Section 34 of the IPC. In that situation all the acts and commissions done by any of them would be attributable to all of them, as if the same were done personally by each one

of them.

Be that as it may, there is definite evidence identifying the appellant-accused. PW6 identified the accused and she has also stated that all these accused were regularly coming to the house of the A1. Besides this, PW16 the Security officer has also identified the accused.

We are unable to draw any distinction to give the benefit of doubt to the present accused.

The Appeal is dismissed accordingly.

By order of this Court dated 17th April, 2006, the appellant was released on bail to the satisfaction of the trial Court. Since, we have dismissed the appeal, he be

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taken into custody forthwith to serve out the remaining portion of his awarded sentence.

.....J.  
[DR. B.S.CHAUHAN]

NEW DELHI;  
JUNE 09, 2011

.....J.  
[SWATANTER KUMAR]