

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.501 OF 2000

PRAHLAD Appellant (s)

VERSUS

SALEEM & ANR. Respondent(s)

(With office report)

Date: 22/10/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Ms. Naresh Bakshi,Adv. (N/P)

For Respondent(s) Mr. T.N. Singh,Adv.
Mr. Manoj K. Mishra,Adv.
Mr. Kamalendra Mishra,Adv.

The Court made the following
ORDER

Perused the records.

The criminal appeal is allowed in-part and, while upholding the conviction of the appellant, sentence of imprisonment awarded against the appellant is reduced to the period already undergone by him.

The appellant, who is on bail, is discharged from the liability of bail bonds.

[T.I. Rajput] [Savita Sainani]
A.R.-cum-P.S. Court Master

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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.501 OF 2000

Prahlad ...Appellant(s)

Versus

Saleem & Anr. ...Respondent(s)

O R D E R

Perused the records.

Trial Court acquitted the sole appellant of the charge under Section 406 of the Indian Penal Code, 1860, [hereinafter referred to as "I.P.C."]. Against the order of acquittal, when the matter was taken to the High Court in appeal by the complainant, the same has been allowed, order of acquittal set aside and the appellant has been convicted under Section 406 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rupees one thousand; in default, to undergo further imprisonment for a period of three months.

Having perused the records, we are of the view that the High Court was quite justified in convicting the appellant as the order of acquittal rendered by the Trial Court suffered from the vice of perversity.

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An affidavit of urgency was filed before the grant of leave in which it has been mentioned that the appellant was in custody from March, 2000. This Court, while granting leave, directed the appellant to be released on bail by order dated 5th June, 2000. From these facts, it appears that the appellant has remained in custody for a period of about three months. In our view, ends of justice would be met in case the sentence of imprisonment awarded against the appellant is reduced to the period already undergone by him.

Accordingly, the criminal appeal is allowed in-part and, while upholding the conviction of the appellant, sentence of imprisonment awarded against the appellant is reduced to the period already undergone by him.

The appellant, who is on bail, is discharged from the liability of bail bonds.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

.....J.
[AFTAB ALAM]

New Delhi,
October 22, 2008.