

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4362/2013

(Arising out of impugned final judgment and order dated 06/11/2012
in CRLA No. 469/2011 passed by the High Court Of M.P At Gwalior)

STATE OF M.P.

Petitioner(s)

VERSUS

MOONGABAI

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 19/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE A.K. SIKRIFor Petitioner(s) Ms. Shashi Juneja,Adv.
Mr. C. D. Singh,Adv.For Respondent(s) Mr. Abhay Gupta,Adv.
Mr. T. Mahipal,Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of.

(SUMAN WADHWA)
AR-cum-PS(INDU BALA KAPUR)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2078 OF 2014
(Arising out of S.L.P.(Crl.)No. 4362 of 2013)

State of M.P.

Appellant (s)

VERSUS

Moongabai

Respondent(s)

O R D E R

Leave granted.

The respondent herein was convicted by the judgment dated 25.5.2011 passed in Sessions Case No. 197 of 2009 by the Ld. Additional Sessions Judge, Sironj, District Vidisha, M.P. for an offence punishable under Section 326 of the IPC and was sentenced to two years R.I. as well as fine of Rs.5,000/- with default clause.

The respondent preferred the appeal in the High Court of M.P. . In the said appeal the High Court has passed the impugned order dated 6.11.2012 whereby the sentence of two years is reduced to five days, which the respondent had already undergone. From the judgment of the High Court it is not discernible as to what are the reasons which prompted the High Court to reduce the sentence to two years to merely five days. In fact there are no reasons given in support thereof.

We therefore, set aside the impugned order and remit the case back to the High Court to decide the appeal afresh on merits after hearing both the parties. We also make it clear that the matter shall not be listed before the Judge who had passed the order dated 6.11.2012.

The appeal is disposed of accordingly.

.....J.
(J. CHELAMESWAR)

.....J.
(A.K. SIKRI)

New Delhi:
Dated: 19.9.2014.