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SLP(Crl.)No. 1479 OF 2000

Item No.30

Court No. 8

SECTION IIA  
A/N MATTER

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. 1479/2000

(From the judgement and order dated 16/03/1999 in CRLA 65/88  
of The HIGH COURT OF PATNA)

GOPAL CHANDRA DAS & ANR

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

( With Appln(s). for bail )  
( With Office Report )

Date : 02/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr.M.K.Choudhary,adv.for  
Mr. S.K. Verma,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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Delay condoned.

In this matter, notice was issued for enhancement of the sentence, having due regard to the gravity of the offence. The contextual facts depicts that the petitioners were charged pursuant to the complaint filed by Amita Bhatt, respondent, of a refugee Colony in Champaran District, that she was raped by the appellants in the night when her husband was away.

Learned Sessions Judge while dealing with the matter, convicted the appellants herein under Section 376 I.P.C. and sentenced to rigorous imprisonment for 5 years. On appeal, however, a learned Single Judge of the High Court, though found no merit in the appeal, on the ground that the occurrence is of the year 1983, in the ends of justice, reduced the sentence to three years imprisonment. It was in this context that this Court was pleased to entertain the SLP and to issue notice therein, subject to the enhancement order.

We record our concurrence of the finding of the

High Court that there is no merit available in the appeal. As such, the appeal is dismissed.

However, we regret to say that, having found no merit available in the appeal, having regard to the offence charged, the question of any gravity of delay caused in the appeal in the High Court, does not and cannot arise, especially in a case when the offence charged is of a social evil.

The reduction of sentence, however, stands set aside and quashed and the sentence imposed by the trial Court stands restored.

(T.K.Viswanadhan)  
Court Master

(Shelly Sen Gupta)  
Court Master