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Cr1.A.No. 127-129 OF 1998
ITEM No.114

Court No. 8

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Cr1.A.No.127-129/1998

Devilal & Ors. ..Appellant(s)

VERSUS

State of Rajasthan ..Respondent (s)

Date : 15/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)

Mr.Pallav Shishodia,Adv.
Mr.Hemant Sharma, Adv.
Mr.Abhijat P. Medh

For Respondent (s)

Mr.Manish Singhvi,Adv.
Mr.Ranji Thomas, Adv.
Mrs.Bharati Upadhyay,Adv.
Mr.V.N. Raghupathy,Adv.

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

The appeal filed by appellants is allowed in part in terms of the signed order.

(Sheetal Dhingra)(Kanwal Singh)
Court Master Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos.127-129 OF 1998

Devi Lal & Ors..Appellant (s)
Versus
State of RajasthanRespondent (s)

O R D E R

Heard the parties.

In all, five accused persons were tried and out of them accused Ram Lal was convicted by the trial court under Section 302 of the Indian Penal Code (for short 'IPC') and sentenced to undergo imprisonment for life and pay a fine of Rs.2,000/-, in default three months rigorous imprisonment. He was further convicted under Sections 148 and 447 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and simple imprisonment for three months respectively. Accused Devilal, Sheo Lal and Ajab Khan were convicted under Sections 148 and 447 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and simple imprisonment for three months respectively. Accused Bhagirath was convicted under Sections 148, 447 and 323 of the IPC and sentenced to undergo rigorous imprisonment for one year and simple imprisonment for three months and six months respectively. The sentences were directed to run concurrently. On appeal being preferred by the State the conviction and sentence of accused Ram Lal have been confirmed by the High Court. So far as other accused are concerned, their conviction under Section 447 has been maintained. Their conviction under Section 148 has been converted into 147 of the IPC and they have been sentenced to undergo rigorous imprisonment for a period of six months. The conviction of accused Bhagirath under Section 323 has been converted into Section 326/149 of the IPC and he has been sentenced to rigorous imprisonment for a period of three years. So far as accused Devilal and Sheo Lal are concerned, the High Court convicted them also under Section 326/149 and sentenced to undergo rigorous imprisonment for a period of three years. So far as accused Ajab Khan is concerned, his appeal stood abated as he died during the pendency of the appeal before the High Court. Hence, a petition for grant of special leave to appeal was filed by the remaining four accused persons, but the petition was dismissed in relation to accused Ramlal and leave was granted with regard to the other three accused persons.

Heard the parties. Learned counsel appearing on behalf of the appellants first attempted to persuade us to go into merit of the appeal, but we do not find any ground to interfere with the conviction. Next it was submitted that these appellants have remained in jail for a period of about sixteen months. In the facts and circumstances of the case, we are of the view that the ends of justice would be met if the sentence of imprisonment awarded against the appellants is reduced to the period already undergone.

Accordingly, the appeal filed by appellants Devilal, Bhagirath and Sheo Lal is allowed in part and the sentence of imprisonment awarded against them is reduced to the period already undergone. The appellants who are on bail are discharged from the liability of bail bonds.

.....J.
(B.N. AGRAWAL)

.....J.
(G.P. MATHUR)

New Delhi
January 15, 2004.