

CrI.A.No. 894 OF 1998
ITEM No.109

Court No.11

SECTION IIA

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

CrI.A.No.894/1998

Shiv Shankar Prasad Gupta

Appellant (s)

VERSUS

State of Bihar

Respondent (s)

(With Office Report)

Date : 10/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr.R.K.Jain, Sr. Adv.
Mr.Ajay Bhalla, Adv.
Mr.Rajesh Prasad Singh, Adv.

For Respondent (s)
Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed 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 No.894 OF 1998

Shiv Shankar Prasad Gupta ...Appellant (s)

Versus

State of Bihar ...Respondent(s)

O R D E R

Heard the parties.

The sole appellant along with six other accused persons was tried for offences under Sections 120B, 220 and 326 read with Section 34 of the Indian Penal Code (for short 'the IPC') and while other four accused persons were acquitted by the trial court, the appellant and accused Dal Chand Ram as well as Naval Kishore Prasad Verma were convicted under Section 326 read with Section 34 of the IPC and each one of them was sentenced to undergo imprisonment for a period of one year. They were further convicted under Section 120B of the IPC and sentenced to undergo rigorous imprisonment for two years. Further, they were convicted under Section 220 of the IPC and each one of them was sentenced to pay fine of Rs.1000/- . On appeal being preferred, the Sessions Court affirmed the convictions and sentences awarded against accused persons. Thereafter, when the matter was taken in revision, the High Court acquitted accused Dal Chand Ram but upheld the convictions of the appellant and accused Nawal Kishore. Hence this appeal by special leave.

Having heard learned senior counsel appearing on behalf of the appellant and perused the records, we are of the view that no case for interference is made out either on merit or on sentence. The appeal is accordingly dismissed.

Bail bonds of the appellant, who was on bail, are cancelled and he is directed to be taken into custody forthwith for serving out the remaining period of sentence.

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

.....J.
(D.M. DHARMADHIKARI)
New Delhi
March 10, 2004.