

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 600 OF 2019
(@ SPECIAL LEAVE PETITION(CRL.)NO. 6669/2018)

RAM UJAGIR & ANR.

...APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH

...RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellants have been convicted under Section 304 Part-I IPC.
3. The occurrence was on 20.12.1979 at around 4.30 p.m. The appellants-accused are alleged to have acted in furtherance of common intention in committing the murder of deceased - Raja Ram. Upon consideration of evidence, the Trial Court convicted the appellants-accused under Section 302 IPC read with Section 34 IPC and sentenced them to undergo life imprisonment.
4. In appeal, the High Court modified the conviction and the sentence and convicted the appellants-accused under Section 304 Part-I, IPC and sentenced them to undergo imprisonment for ten years.
5. By order of this Court dated 27.08.2018, notice was issued limited to the quantum of sentence.
6. We have heard Mr. Diwakar Chatterjee, learned counsel appearing on behalf of the appellants as well as Mr. Rohit K.Singh, learned counsel appearing on behalf of the respondent-State.

7. When the matter came up for hearing, Mr. Diwakar Chatterjee, learned counsel appearing on behalf of the appellants-accused submitted that Appellant Mo. 1 - Ram Ujagir has passed away on 2nd March, 2019. The appeal stands abated insofar as Appellant No. 1 is concerned.

8. The Appellant No. 2 - Ram Keval, is said to be aged about 75 years old and is said to be suffering from various ailments. It is also stated that before his surrender, he was undergoing treatment in the District Hospital, Faizabad. Since the occurrence was of the year 1979 and considering the age of appellant no. 2 and also in the facts and circumstances of the case, the sentence of imprisonment of ten years is reduced to seven years.

9. The appeal is partly allowed in above terms.

..... J.
[R. BANUMATHI]

NEW DELHI
2ND APRIL, 2019

..... J.
[R. SUBHASH REDDY]

ITEM NO.16

COURT NO.7

SECTION II

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 (CrI.) No(s). 6669/2018

(Arising out of impugned final judgment and order dated 09-03-2018 in CRLA No. 554/1981 passed by the High Court Of Judicature At Allahabad)

RAM UJAGIR & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH
(With appln. For exemption from filing O.T.)

Respondent(s)

Date : 02-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Diwakar Chatterjee, Adv.
Mr. Kundan Kumar Mishra, AOR

For Respondent(s) Mr. Rohit K. Singh, AOR
Mr. Avneet Chaudhary, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER