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Cr1.A.No. 238 OF 1998

ITEM No.108

Court No.10

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

Criminal Appeal No.238 of 1998.

WAHEED & ANR.Appellant (s)

VERSUS

STATE OF UTTAR PRADESH Respondent (s)

Date : 22/01/2004 This petition was called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE B.N. AGRAWAL
HON'BLE DR.JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr.Kirpal Singh,Adv.
Mr.Debasis Misra,Adv.

For Respondent (s)Mr.Jatinder K.Bhatia,Adv.

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

Heard the parties.

The appeal is dismissed in terms of the signed order.

Bail bonds of the appellants are cancelled and they are directed to be taken into custody forthwith for undergoing the remaining period of sentence.

[Naresh Kumar] [Kanwal Singh]
AR-cum-PS Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 238 OF 1998

WAHEED & ANR.

...

APPELLANT (S)

VERSUS

STATE OF UTTAR PRADESH

...

RESPONDENT (S)

O R D E R

Heard the parties.

The appellants were convicted by the trial court under Section 307 and 452 of the Penal Code and each one of them was sentenced to undergo rigorous imprisonment for a period of seven years

and three years respectively on each count. On appeal being preferred before the High Court of Allahabad, so far as Waheed is concerned the High Court set aside the conviction under Section 307 of the Penal Code but conviction and sentence under Section 452 were maintained. So far as Saeed is concerned his conviction under Section 307 was maintained and the sentence was reduced to five years. Hence this appeal by special leave.

We have been taken through the impugned judgment and the relevant evidence but we do not find any ground is made out for interference. The appeal is accordingly dismissed. The bail bonds of the appellants, who are on bail, are cancelled and they are directed to be taken into custody forthwith for undergoing the remaining period of sentence.

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

.....J.
(DR.AR. LAKSHMANAN)
New Delhi,
January 22, 2004.