

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 791-792 OF 2000

ANKUSH MOTIRAM KARBHARI

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With office report)

Date: 05/04/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Makarand D Adkar, Adv.

Mr. S.D. Singh, Adv.

Mr. Vijay Kumar, Adv.

Mr. A.Y. Patki, Adv.

Mr. Vishwajit Singh, Adv.

For Respondent(s)

Mr. S.S. Shinde, Adv.

Mr. V.N. Raghupathy, Adv.

for Mr. Ravindra Keshavrao Adsure, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are allowed in part and while upholding conviction of the appellant, sentence of imprisonment awarded against him is reduced to the period already undergone. The appellant, who is on bail, is discharged from the

liability of bail bonds.

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[Charanjeet Kaur]

Court Master

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[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 791-792 OF 2000

Ankush Motiram Karbhari .. Appellant(s)

Versus

State of Maharashtra .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant was convicted by the trial Court under Section

304, Part II of the Indian Penal Code (for short, IPC) and sentenced

to undergo rigorous imprisonment for a period of five years. On

appeal being preferred, the High Court confirmed the conviction.

Hence, this appeal by special leave.

Learned counsel appearing on behalf of the appellant first

tried to persuade us that present case is a case of acquittal but

having considered entire pros and cons of the matter, we are of the

view that High Court has not committed any error in confirming

conviction of the appellant under section 304 Part II IPC.

Learned counsel next submitted that occurrence had taken place in the year, 1986 and there was case and counter

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case. Accused persons have also received injuries and in the counter case also conviction was recorded by the trial court and confirmed by the High Court. It has been stated that the appellant has remained in custody for a period of about ten months, as such the sentence of imprisonment awarded against the appellant may be reduced to the period already undergone. Taking into consideration totality of circumstances, we are of the view that ends of justice would be met in case sentence of imprisonment is reduced to the period already undergone.

Accordingly, the appeals are allowed in part and while upholding conviction of the appellant, sentence of imprisonment awarded against him is reduced to the period already undergone.

The appellant, who is on bail, is discharged from the liability of bail bonds.

.....J

[B.N. AGRAWAL]

.....J

[A.K. MATHUR]

NEW DELHI ,

APRIL 05, 2006.