

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. 241 OF 2000

GUTTA & ORS

Appellant (s)

VERSUS

STATE OF M.P.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 28/11/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Appellant(s) Mr. Avijit Bhattacharjee,Adv.

For Respondent(s) Ms. Vibha Datta Makhija,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed. Bail bonds of the appellants, who are on bail, are cancelled and they are directed to be taken into custody forthwith to serve out the remaining period of sentence.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.241 OF 2000

Gutta and Ors.

...Appellant(s)

Versus

State of Madhya Pradesh

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellants were convicted by the trial court under Section 304 Part II of the Indian Penal Code [for short, 'I.P.C.'] and sentenced to undergo rigorous imprisonment for a period of

five years. They were further convicted under Section 201 I.P.C.

and sentenced to undergo rigorous imprisonment for a period of

three years and to pay fine of Rs.500/-; in default to undergo

simple imprisonment for a period of three months. Accused

Nos.2, 6 and 9 (Madho, Sobran and Ram Vilas respectively) were

further convicted under Section 456 I.P.C. and sentenced to

undergo rigorous imprisonment for a period of one year and to

pay fine of

....2/-

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Rs.1,000/-; in default to undergo simple imprisonment for a

period of six months. Accused Nos.6 and 10 (Sobran and Agam

respectively) were convicted under Section 342 I.P.C. and

sentenced to undergo rigorous imprisonment for a period of six

months. All the sentences, however, were ordered to run

concurrently. The High Court, while dismissing the appeal

converted the conviction under Section 456 I.P.C. to one under

Section 448 I.P.C. without changing the sentence and confirmed

the convictions for other offences. Hence, this appeal by special

leave.

We have been taken through the impugned judgments

and the evidence adduced on behalf of the prosecution. The High

Court as well as the trial court have recorded convictions of the

appellants upon threadbare discussion of evidence and no interference by this Court is called for.

The appeal, accordingly, fails and the same is dismissed.

Bail bonds of the appellants, who are on bail are cancelled and they are directed to be taken into custody forthwith to serve out the remaining period of sentence.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

November 28, 2006.