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SLP(Crl.)No. 4147 OF 2000

ITEM No.32

Court No. 4

SECTION IIA  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 4147/2000

(From the judgement and order dated 31/03/2000 in CRLR 209/97  
of The HIGH COURT OF PATNA)

JALO YADAV & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

( With Appln(s). for bail )  
( With Office Report )

Date : 29/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. S.B. Sanyal , Sr. Adv.  
Mr. B.K. Misra, Adv.  
for M/s. Maqbool Mishra & Co.,Adv.

For Respondent (s) Ms. Sunita R. Singh, Adv.  
Mr. B.B. Singh, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....  
.SP2

Leave granted.  
Appeal is disposed of in terms of the signed  
order.

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Sushma (H.K. Bhatia)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.113 of 2001@@  
EE  
(Arising out of S.L.P.(Crl) 4147 Of 2000)

Jalo Yadav & Ors. .... Appellant (s)

versus

State of Bihar .... Respondent(s)

O R D E R@@  
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Leave granted.

Altogehter 13 persons were convicted for certain offences including the offence under Section 326 read with Section 149 IPC and all of them were sentenced to varying terms of imprisonment. The High Court confirmed the conviction and sentence as against all of them. Seven of those convicted persons have filed the SLP. When we considered the matter, we felt that petitioner Nos. 1, 2 and 3 in the SLP did not deserve any indulgence in the matter. We, therefore, dismissed the SLP as against them. But we thought that a lenient view in the matter of sentence can be shown to the remaining petitioners in the SLP, Therefore, notice was issued in respect of petitioners 4 to 7 alone and that too limited to the quantum of sentence.

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Today Mr. Sanyal, learned senior counsel pleaded that the sentence imposed on the appellants for 6 months' rigorous imprisonment may be reduced to the period already suffered by them on the premise that their conviction was made with the help of Section 149 of the Indian Penal Code and that no specific overacts has been played by any one of those persons. We heard Mr. B.B. Singh, learned counsel for the State of Bihar. He opposed the plea for reduction of sentence. He says that the contention raised by Mr. Sanyal, relating to overacts, is not correct, because appellant -Kailash Yadav, had assaulted the injured with a lathi, though it resulted in a single injury. Even so, we persuade ourselves to reduce the sentence for the appellants alone toas the period already suffered by him. We dispose of this appeal in terms of the above. We make it clear this benefit will be granted only to the four appellants who are arrayed as petitioners 4 to 7 in the SLP.

.SP1

.....J.  
(K.T. THOMAS)

New Delhi,  
January 29, 2001.

.....J.  
(DOORAI SWAMY RAJU)