

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1532 OF 2013  
(Arising out of S.L.P. (Crl.) No. 5517 of 2013)

Jitender Kumar

... Appellant

Versus

The State of Chhattisgarh

...Respondent

O R D E R

Leave granted.

2. This appeal, by special leave, is directed against the common judgment of conviction and order of sentence dated 30.11.2009 passed by the High Court of Chhattisgarh at Bilaspur in Criminal Appeal No. 587 of 2003 and other connected appeals whereby the Division Bench has concurred with the judgment of conviction and order of sentence dated 30.4.2003 passed by the learned Special Judge & Additional Sessions Judge, Ambikapur in Sessions Trial No. 33 of 2001 wherein the learned trial Judge had found the present appellant and others guilty for offences punishable under Sections 147, 148 and 302 read with Section 149 of the Indian Penal Code (IPC) and sentenced each of them to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/-, to suffer rigorous imprisonment for two years and to pay a fine of Rs.1000/- and to undergo imprisonment for life and to pay a fine of Rs.5000/- with a default clause respectively pertaining to the offences enumerated hereinabove.

3. Being grieved by the said common judgment the other accused persons preferred Criminal Appeal Nos. 1262-1264 of 2010 by special leave. This Court, by judgment dated 22.11.2012, came to hold as under: -

"We are, therefore, of the view that while maintaining the conviction of the appellants under Section 147 and 148 of the IPC and the sentence imposed they are entitled to be acquitted for the offences under Section 302 read with Section 149 IPC. If the accused appellants have already served the sentence for the offences under Section 147 and 148 of the IPC we direct that, unless their custody is required in connection with any other case, the accused appellants be set at liberty forthwith. The Judgment and Order of the High Court is modified accordingly and the appeals are partly allowed to the extent indicated above."

4. Learned counsel for the appellant as well as learned counsel for the State stated that the said judgment would cover the present appeal as the appellant cannot be convicted under Section 302 read with



Mr. A.P. Mayee, Adv.

Mr. Charudatta Mahindrakar, Adv.

Mr. C.D. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Civil Appeal is allowed in part in terms of the signed order.

|(Jayant Kumar Arora)  
|Sr. P.A.

| |(Indu Pokhriyal)  
| |Court Master

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(Signed order is placed on the file)