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SLP(Crl.)No. 3183 OF 2000

ITEM No.30

Court No. 4

SECTION II  
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. 3183/2000

(From the judgement and order dated 09/05/2000 in SBCRA 405/98  
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

STATE OF RAJASTHAN

Petitioner (s)

VERSUS

RAMESHWAR & ORS.

Respondent (s)

Date : 16/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. Sushil Kumar Jain,Adv.

For Respondent (s)

Mr. Ravindra Bana,Adv.

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

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

Affidavit filed in Court taken on record.  
Leave granted.  
The appeal is disposed of

.SP1

(Y.P.Dhamija) (N. Moorjani)@@  
AA  
COURT MASTER Asstt.Registrar

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.505/2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(arising out of SLP(Crl) No.3183/2000)

State of Rajasthan ..Appellant

Vs.

Rameshwar & Ors. ..Respondents

O R D E R@@  
EEEEEEEEEE

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

Leave granted.

State is in appeal against the impugned judgment of the High Court. The respondents stood convicted under sections 498-A and 304-B, IPC. The High Court affirmed the conviction, but so far as the sentence is concerned, directed that the sentence is reduced to period undergone. From the affidavit filed on behalf of the accused, it appears that some of them have undergone 4 years and some of them even less than 4 years. Under section 304-B, the minimum sentence would be not less than 7 years, which may extend to the imprisonment for life. In this view of the matter, the High Court committed error in altering sentence to the period undergone. The learned counsel appearing for the accused, however, stated that the period of 4 years is the actual period not taking into account the remission period which accused might have earned. We need not go into that question since it will be open for the appropriate authority to take into account the remission period, which a convict might have earned during his period in custody. In the aforesaid premises, the impugned order of the High Court is set aside,

- 2 -

and the accused persons for their conviction under section 304-B are sentenced to imprisonment for 7 years.

The appeal is disposed of accordingly.

.SP1  
.....J.  
(G.B. PATTANAIAK)

New Delhi, .....J.  
April 16, 2001 (U.C. BANERJEE)