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SLP(Crl.)No. 4101 OF 2000
.PL58
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 573 of 2001@@
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(Arising out of S.L.P. (Crl.) 4101 of 2000)

Kali @ Chandan ..Appellant

Vs.

State of M.P. ..Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T....J
.SP2

Leave granted.

Appellant has been convicted under Section 376 of the Indian Penal Code. He was sentenced to rigorous imprisonment for the minimum period of seven years. The High Court confirmed the conviction and sentence.

We are not disposed to interfere with the fact finding. Now the plea is confined to reduction of the sentence. The victim of the rape is a lady aged 45 years. She has filed an affidavit stating that the appellant at the time of occurrence was barely aged 16 years and thereafter appellant approached her apologizing to her. She is of the opinion that having appellant already undergone sufficient punishment for the wrong doing and that she had already forgive him. She also said in the affidavit that she is the aunt of the accused and for what he did she had pardoned him, particularly, in view of all the respects he has been showing to her thereafter.

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All the above facts are taken into consideration by us for treating them as special and adequate reasons for reducing the sentence, in the circumstances of this case. We, therefore, reduce the sentence to the period already undergone by the appellant.

This appeal is disposed of accordingly.
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.....J.@@
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(K.T. THOMAS)@@
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(R.P. SETHI)@@

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NEW DELHI@@
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ITEM No.43 Court No. 5 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. 4101/2000

(From the judgement and order dated 25/07/2000 in CRLA 178/96
of The HIGH COURT OF M.P AT GWALIOR)

KALI @ CHANDAN Petitioner (s)

VERSUS

STATE OF M.P. Respondent (s)
(With Appln(s). for bail and stay)
(With Office Report)

Date : 30/04/2001 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Dr. Sumant Bhardwaj,Adv.
Ms. Mridula Ray Bharadwaj,Adv.

For Respondent (s) Ms. Vibha Datta Makhija,Adv. for
Mr. Uma Nath 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.
.SP1

(N.K. Goel) (H.K. Bhatia)
Court Master Court Master
(Signed order is placed on the file)