

@ITEM NO.8

COURT NO.6

SECTION IIA

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(s).4653/2010

(From the judgement and order dated 31/03/2010 in CRLRP No.  
175/2007 of The HIGH COURT OF BOMBAY AT NAGPUR)

JAICHAND Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

(With appln(s) for suspension of sentence of imprisonment &  
fine,exemption from filing proof of surrender and office report )

Date: 29/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Naushad Ahmad Khan, Adv.for  
Mr. Aftab Ali Khan,Adv.

For Respondent(s) Ms. Asha Gopalan Nair,Adv.

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

Leave granted.

Since, complainant is not before us, no orders need  
be passed on the application for impleadment.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla) (Indu Satija)  
Court Master Court Master  
[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2234 OF 2010  
(arising from SLP(Crl.) No.4653 of 2010)

Jaichand ..Appellant  
State of Maharashtra versus ..Respondent

O R D E R

Leave granted.

Heard learned counsel for the parties.

Since, complainant is not before us, no orders need  
be passed on the application for impleadment.

This Appeal has been filed against the impugned judgment and order dated 31st March, 2010 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Criminal Revision Petition No. 175 of 2007.

The Appellant has been convicted under Sections 294 and 323, IPC and sentenced to undergo simple imprisonment for one month on each count and to pay a fine of Rs.500/- with default clause.

On the facts of the case, we are of the opinion that the appellant has been able to create reasonable doubt in the prosecution version. Hence, we give him benefit of doubt.

Accordingly, this appeal is allowed and the impugned judgments of the courts below convicting the appellant are set aside.

.....J.  
[MARKANDEY KATJU]

NEW DELHI; .....J.  
NOVEMBER 29, 2010 [GYAN SUDHA MISRA]