

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).4227/2006

(From the judgement and order dated 13/08/2004 in CRLA No.264/2002
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

BHAGWAN SINGH @ BHAGGA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(With appln(s) for bail and office report)

Date: 16/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Doongar Singh,Adv.

Mr. V.J. Francis,Adv.

Mr. Anupam Mishra,Adv.

Mr. A. Radhakrishnan,Adv.

For Respondent(s) Mr. Jatinder Kumar Bhatia,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed in-part and, while upholding the conviction of the appellant, the sentence of imprisonment awarded by the impugned order of the High Court is reduced to the period already undergone. The appellant, who is in custody, is directed to be released forthwith, if not required in connection with any other case.

[Alka Dudeja]

Court Master

[Neeru Bala Vij]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.360 OF 2007

(Arising out of S.L.P. (Crl.) No.4227 of 2006)

Bhagwan Singh @ Bhagga

...Appellant(s)

Versus

State of Rajasthan

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

Out of the three accused persons before the Trial court,

accused Champalal was convicted under Section 302 of the Indian Penal Code [for short, "I.P.C."] and the appellant and

accused Om Prakash were convicted under Section 302/34

I.P.C. All the aforesaid accused persons were sentenced to

undergo imprisonment for life and to pay fine of Rs.1,000/-

each; in default, to undergo further imprisonment for a period of

six months. On appeals being preferred, the High Court

converted the conviction of accused Champalal from Section 302

I.P.C. to Section 304 Part-II I.P.C. and conviction of the

appellant and accused Om Prakash has been converted from

Section 302/34 I.P.C. to Section 304 Part-II read with Section

34

...2/-

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I.P.C. All the accused persons were sentenced to undergo imprisonment for a period of nine years and to pay fine of

Rs.5,000/-; in default, to undergo rigorous imprisonment for a

period of six months. It appears that accused Champalal did

not move this Court, but so far as accused Om Prakash is

concerned, he preferred an appeal before this Court giving rise to Criminal Appeal No.170 of 2005 which was disposed of on 21st March, 2006. The said accused remained in custody for a period of nineteen months and the sentence of imprisonment awarded against him has been reduced to the period already undergone. In the facts and circumstances of the present case, as the appellant has remained in custody for a period of more than two years, we are of the view that it would be just and expedient to reduce the period of sentence awarded against this appellant.

Accordingly, the appeal is allowed in-part and, while upholding the conviction of the appellant, the sentence of imprisonment awarded by the impugned order of the High Court is reduced to the period already undergone. The appellant, who is in custody, is directed to be released forthwith, if not required in connection with any other case.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,
March 16, 2007.