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SLP(Crl.)No. 6755 OF 2001

ITEM No.12

Court No. 3

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. 6755/2001

(From the judgement and order dated 03/09/2001 in CRLR 458/01
of The HIGH COURT OF M.P AT INDORE)

SABA @ HUSSAIN

Petitioner (s)

VERSUS

STATE OF M.P.

Respondent (s)

(With Appln(s). for exemption from filing O.T. and bail)
(With Office Report)

Date : 26/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. S.K. Gambhir, Sr. Adv.
Mr. Avinash Sinha, Adv.
Mr. Anil Sharma, Adv.
Mr. T.N. Singh, Adv.

For Respondent (s)

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

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The conviction of the petitioner under Section 379 IPC has been upheld in appeal as well as by the High Court in Revision. The petitioner was found to be snatching Rs.1,71,000/- from a passenger in the bus and was caught red-handed. Mr. Gambhir, appearing for the petitioner contended that this is a case here the provisions of Section 360 Cr.P.C. should have been applied.

From the judgment of revision it appears that the High

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Court did take into consideration the fact that the petitioner was a first offender and, therefore, reduced the sentence from three years to eighteen months. It, therefore, cannot be contended that the Court did not bear in mind the provisions of Section 360 Cr.P.C. We were, at one stage, inclined to issue notice of enhancement, but Mr. Gambhir says that he would not take the risk of taking notice of enhancement. The

special leave petition accordingly stands dismissed.

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(J.S. Rawat)
Court Master

(Radha Rani Bhatia)
Court Master