

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5183/2007

(From the judgement and order dated 08/03/2007 in CRLA No. 633/1981 of
The HIGH COURT OF U.P AT LUCKNOW)

DEVI CHARAN

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

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

Date: 25/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Sanjeev Malhotra,Adv.

For Respondent(s) Mr. Shail Kumar Dwivedi, AAG
Mr. Sahdev Singh, Adv.
Mr. Gunnam Venkateswara Rao,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Aggarwal)
Assistant Registrar

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2008
(Arising out of SLP(Crl.)No. 5183 of 2007)

DEVI CHARAN

APPELLANT(S)

Versus

STATE OF U.P.

RESPONDENT(S)

ORDER

We have heard learned counsel for the parties.

Leave granted.

Notice was issued in this case only qua appellant Devi Charan limited to the question of sentence. Learned counsel for the appellant stated that all the co-accused persons whose petition has been dismissed were awarded three years sentence and in the case of the present appellant - Devi Charan, the sentence awarded was five years. Learned counsel

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for the appellant Devi Charan submitted that there were no distinguishing features so far as the present appellant is concerned. Learned counsel for the respondent-State on the other hand submits that considering the weapon held by him, he has been awarded five years sentence. We feel that all the accused persons should stand on similar footings. Therefore, awarding of five years sentence to the appellant - Devi Charan does not appear to be rational. In his case also, the sentence shall be three years.

The appeal is accordingly, allowed to the aforesaid extent.

.....J.
(Dr. Arijit Pasayat)

.....J.
(Dr. Mukundakam Sharma)

New Delhi,
August 25, 2008