

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.1077 OF 2006

ARJUN PRASAD

Appellant (s)

VERSUS

STATE OF M.P.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

With Criminal Appeal No.856 of 2006

(With office report)

Date: 14/05/2008 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s)

in Cr1.A.1077/2006:

Mr. Bimal Roy Jad,Adv.

in Cr1.A.856/2006:

Mr. Rakesh Kumar Khanna,Sr.Adv.

Ms. Abha R. Sharma,Adv.

Ms. Sunita R. Singh,Adv.

Mr. Dhirendra Singh 'Parmar',Adv.

Mr. Susheel Singh Tomar,Adv.

For Respondent(s)

Ms. Vibha Datta Makhija

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the parties.

The criminal appeals are allowed.

[ T.I. Rajput ]

[ Om Prakash ]

A.R.-cum-P.S.

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1077 OF 2006

Arjun Prasad

...Appellant(s)

Versus

State of Madhya Pradesh

...Respondent(s)

O R D E R

Heard learned counsel for the parties.  
Leave granted.

By the impugned order, the High Court reversed the order of acquittal and convicted the appellants of these appeals under Section 302 read with Section 34 of the Indian Penal Code and sentenced them to undergo imprisonment for life and to pay fine of Rs.50,000/- each; in default, to undergo further rigorous imprisonment for a period of three years. Both the sentences were, however, directed to run consecutively. Hence, these appeals by special leave.

It appears from the impugned judgment that nobody represented any of the two accused persons before the High Court and no legal aid was provided to anyone of them; as such, on this ground itself, the impugned order is fit to be set aside.

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Accordingly, the criminal appeals are allowed, impugned order passed by the High Court is set aside and the matter is remitted to that Court to dispose of the appeals afresh in accordance with law after giving opportunity of hearing to the parties.

.....J.  
[B.N. AGRAWAL]

.....J.  
[G.S. SINGHVI]

New Delhi,  
May 14, 2008.