

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s).1727 OF 2011
[@Special Leave to Appeal (CrI) No(s).4724/2011

BIBHISHAN RAI

Appellant(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the order dated 09/03/2011 passed by the Patna High Court in CRR No.266/2011, whereby the sentence awarded to the appellant upon conviction under Section 406 IPC was reduced from two years to one year's rigorous imprisonment.

The grievance against the appellant was that though he had ultimately completed the work awarded to him, he had misappropriated the money advanced to him and embezzled the same.

While not interfering with the conviction which appears to be justified, we, however, feel that since the appellant has not only completed the work, but has also undergone 7 months' imprisonment out of one year's imprisonment awarded to him, the quantum of punishment may be reduced further. In fact, while issuing notice, we had confined the same to the question of reduction of the sentence.

-2-

SLP(CrI.)4724/11

Having regard to the what has been stated above, and having heard learned counsel for the parties, we allow the appeal and while maintaining the conviction, reduce the sentence to the period already undergone by the appellant.

Let the appellant be released forthwith.

.....J.
(ALTAMAS KABIR)

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI;
September 05, 2011.
ITEM NO.40

COURT NO.2

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).4724/2011

(From the judgement and order dated 09/03/2011 in CRR No.266/2011
of The HIGH COURT OF PATNA)

BIBHISHAN RAI

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

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

Date: 05/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr.Gaurav Agrawal,Adv.

For Respondent(s)

Mr. Gopal Singh, Adv.
Mr. Chandan Kumar, Adv.

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

Leave granted.
The appeal is allowed in terms of the signed
order.
Let the appellant be released forthwith.

(Sheetal Dhingra)
COURT MASTER

(Juginder Kaur)
Assistant Registrar

[Signed order is placed on the file]