

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 67/2000
(From the judgment and order dated 30.9.1999 in Crl.A.No.2082
of 1980 of The High Court of Allahabad)

SHAHADAT

Petitioner (s)

VERSUS

STATE OF U.P.
(With Appln(s). for bail and exemption from filing O.T.)

Respondent (s)

Date : 20/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS

HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr.R.D.Upadhyay,Adv.
Mr.Girdhar G.Upadhyay,Adv.
Mr.Syed Ali Ahmad,Adv.
Mr.Syed Tanweer Ahmad,Adv.

For Respondent (s) Mr.Praveen Swarup,Adv.
Mr. Pramod Swarup,Adv.

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

.SP2

Leave granted. The appeal is disposed of in terms of
the signed order.

.SP1

(S.Sarangi)
Court Master

(H.K.Bhatia)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRL.APPEAL NO. 998 OF 2000@@

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(Arising out of S.L.P.(Crl.)No.67 of 2000)

Shahadat

Appellant

Versus

State of U.P.

Respondent

O R D E R@@
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.....L.....I.....J
.SP2

Leave granted.

We considered the matter only regarding the quantum of sentence. The appellant was convicted by the trial court under Section 302 of the Indian Penal Code but the High Court altered it to Section 304-I of the Indian Penal Code.

On the facts situation the deceased along with three other persons went to the place of accused for questioning some of the earlier transactions and demanded an explanation from the appellant about his behaviour. It was during the course of that deliberations that the appellant took out a knife and inflicted the stab injury. The deceased sustained only one stab injury and it was on the left side of his chest.

On the broad facts of this case, we think that the

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sentence need not have gone up to rigorous imprisonment for 10 years. Ends of justice would be served by awarding lesser sentence of six years imprisonment. We therefore, reduce the sentence to rigorous imprisonment for six years. With such reduction, the appeal is disposed of.

.SP1

Sd/-
.....J
(K.T.THOMAS)

Sd/-
.....J
(R.P.SETHI)

New Delhi,
November 20, 2000.