

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1882 OF 2013
(ARISING OUT OF SLP(CRL.) NO.4975 OF 2012)

SHAKEEL AHMED APPELLANT
STATE OF NCT OF DELHI & ORS. VERSUS RESPONDENTS

O R D E R

Leave granted.

In view of the order which we propose to pass in this appeal, we deem it inexpedient to give in detail the facts of the case.

Suffice it to say that the respondent nos.2 to 4 were held guilty for commission of the offence under section 325/342/34 of the Indian Penal Code but were released on probation on their furnishing personal bond and one surety each for keeping peace and good behaviour for a period of two years. They were also directed to pay a sum of Rs.50,000/- (Rupees fifty thousand only) as compensation to the injured-the appellant herein.

Aggrieved by the inadequacy of the sentence, the appellant preferred appeal before the High Court of Delhi. The High Court dismissed the appeal in limine vide its impugned order dated 09.05.2012 passed in Criminal Appeal No.528/2012.

Learned counsel for the appellant draws our attention to the injuries suffered by the appellant and contends that in view of the allegation and the nature of the injuries sustained by the appellant, respondent nos.2 to 4 ought not to have been released on probation.

Learned counsel for respondent nos.2 to 4, however, contends that in the facts of the present case, the trial court was justified in releasing them on probation and the High Court did not err in dismissing the appeal in limine.

Having heard learned counsel for the parties, we are of the opinion that it is not a fit case in which the High Court should have dismissed the appeal in limine.

As stated earlier, the appellant has suffered large number of injuries, including several fractures. The manner and circumstances under which the crime was committed have bearing on the question of sentence. These questions besides others have not been considered by the High Court while dismissing the appeal in limine.

In the result, we allow this appeal, set aside the judgment and order of the High Court and remit the matter back for its reconsideration in accordance with law.

We make it clear that we have not expressed any opinion on the merit of the case.

.....J
[CHANDRAMAULI KR. PRASAD]

