

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.680 OF 2005

(@ Special Leave Petition (Crl.)No.5300 of 2004)

ISMAIL MIAN @ GARDANWAN MIAN & ANR.  
Appellant(s)

VERSUS

STATE OF BIHAR  
Respondent(s)

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Heard both sides.

The appellants were convicted for the offence punishable under Sections 376, 448 and 323 of the Indian Penal Code and were sentenced to undergo imprisonment for a period of 10 years for the main offence of rape apart from other sentences. The appellants are in jail and we are told that they have completed more than six years. Having regard to the facts and circumstances of this case, we confirm the conviction of the appellants under Section 376 IPC, but reduce the sentence from a period of 10 years to 7 years. If the appellants have already completed 7 years, they be released forthwith if not required in any other case.

The appeal is disposed of as above.

.....J.

(K.G.BALAKRISHNAN)

.....J.

(TARUN CHATTERJEE)

NEW DELHI;

6TH MAY, 2005

ITEM NO.27

COURT NO.6

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).5300/2004

(From the judgement and order dated 21/06/2000 in CRLA. No. 283/1989 of The HIGH COURT OF

JUDICATURE AT PATNA)

ISMAIL MIAN @ GARDANWAN MIAN & ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 06/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. Balraj Dewan, Adv. (A.C.)

For Respondent(s)

Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Heard both sides.

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

(G.V.Ramana)

(Veera Ve

rma)

Court Master

Court Mas

ter

(Signed order is placed on the file)