

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).7483/2010

(From the judgement and order dated 07/09/2007 in CRLA No. 633/2003
of The HIGH COURT OF BOMBAY BENCH AT NAGPUR)

KAMAL Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

(With appln(s) for c/delay in filing SLP,bail and office report)

Date: 07/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Merusagar Samantaray,Adv. (SCLSC)
Mr. Prashant Kumar, Adv.

For Respondent(s) Mr. Sushil Karanjkar, Adv.
Mr. Sanjay V.Kharde,Adv.
Ms. Asha Gopalan Nair,Adv.

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

The appeal is allowed to the extent mentioned in the
the signed order.

(Shashi Sareen) (Shashi Bala Vij)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 685 OF 2011
(Arising out of SLP(Crl) No. 7483 of 2010)

KAMAL ... Appellant(s)

Versus

STATE OF MAHARASHTRA ... Respondent(s)

O R D E R

1. Delay condoned.
2. Leave granted.
3. Challenge in this appeal is to the judgment dated
07.09.2007 passed by the High Court of Bombay in Criminal

Appeal No. 633 of 2003 whereby the High Court dismissed the appeal.

4. The appellant herein was convicted by the trial court for the offences punishable under Sections 394, 397 read with Section 34 of the Indian Penal Code and sentenced to undergo life imprisonment and to pay a fine of Rs. 1,000/-.

5. This court, vide order dated 01.09.2010, issued notice limited to the quantum of sentence.

6. We have heard learned counsel for the parties and gone through the appeal.

7. It is pointed out by learned counsel appearing for the appellant that the appellant is behind the bars for about nine years.

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8. Considering the fact that the appellant does not have any criminal antecedents and looking to his age, while maintaining the conviction, we modify the sentence of life imprisonment awarded by the High Court and sentence him to undergo rigorous imprisonment for a period of ten years. There is no change in the fine amount awarded by the trial court. In default of payment of fine, the appellant shall undergo rigorous imprisonment for a further period of three months.

9. The appeal is allowed to the aforesaid extent.

.....J.
(V.S.SIRPURKAR)

.....J.
(T.S.THAKUR)