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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.357 OF 2007  
RAVI @ RAVIKUMAR ETC.ETC. ....APPELLANT(S)  
VERSUS

STATE REP.BY INSPECTOR OF POLICE ....RESPONDENT(S)  
O R D E R

We have heard Mr. R. Basant, learned Senior Counsel appearing for the appellant viz., Chandran and Mr. M. Yogesh Kanna, learned counsel appearing for the respondent-State and perused the record. By order dated 31.1.2017, this Court granted time to the learned counsel for the respondent-State to seek instructions for extending the same benefit of commutation and remission under section 433 of the Code of Criminal Procedure (for short, the 'Cr.P.C.')

to the appellant viz., Chandran, which was already granted to the appellants/co-accused viz., Ravi @ Ravikumar and Sreekumar, by the respondent-State. On the last date of hearing, it was also submitted that the appellant Chandran is, on all counts, similarly placed as the other two co-accused viz., Ravi @ Ravikumar and Sreekumar and there is no reason why the same benefit under section 433 Cr.P.C.

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as granted to the aforesaid two co-accused, be not extended to him.

Today, Mr. Kanna, learned counsel for the respondent-State, submits that the appellant Chandran, may not be given the same benefits under section 433 Cr.P.C., on parity with the other co-accused who have already been released from custody, because he is being prosecuted in Crime Case No.661/1997, under sections 457 and 380 of the Indian Penal Code (for short, the 'IPC'). It is not possible for us to accept the aforesaid contention of Mr. Kanna, learned counsel for the respondent-State. The instant case is entirely independent of the case being Crime No.661/1997.

Upon perusal of the record, we find that all the remaining accused have been acquitted either by the trial court or by the High Court. We see no material difference between the role ascribed to all the accused. Since two of these accused viz., Ravi @ Ravikumar and Sreekumar, were already given benefit of commutation and remission under Section 433 of Cr.P.C., we see no reason why the same benefit should not be extended to the appellant viz., Chandran. We order accordingly.

Hence, this appeal is disposed of with a direction to the respondent-State to release the

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appellant viz., Chandran, from custody forthwith, if not required in any other case.

It is made clear that the appellant Chandran will continue to be tried in Crime Case No.661/1997 under sections 457 and 380 of IPC, as referred to above and face consequences thereof.

Needless to state that the release of the appellant Chandran, shall have no bearing either on the aforesaid case being Crime Case No.661/1997, or other cases, if any.

.....J  
[S. A. BOBDE]  
.....J

