

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2381 OF 2009

ABDUL HOSSAIN & ORS.

APPELLANT(S)

VERSUS

STATE OF WEST BENGAL

RESPONDENT(S)

O R D E R

This appeal is directed against the judgment of the Calcutta High Court, whereby the conviction of the appellants under Section 304 Part II r/w Section 149, Sections 324, 147 and 325 read with Section 149 of Indian Penal Code was upheld. Though, different sentences have been passed under different sections since they have been directed to run concurrently, the substantive sentence is seven years.

We have gone through the judgments of the Courts below and as far as merits of the case is concerned, we are not inclined to interfere with the same.

However, as far as sentence is concerned, we cannot lose sight of the fact that the occurrence took place on 15.03.1988 and more than 30 years have elapsed. The appellants have been on bail but have undergone substantial sentence of more than 4 1/2 years in which remission with other benefits is more than that.

Therefore, we feel that the interest of justice will be served in case the judgment of the High Court is modified to the limited extent that the substantive sentence is reduced to the period already undergone by the appellants. We order accordingly.

The appeal is disposed of accordingly.

.....J.
(DEEPAK GUPTA)

.....J.
(ANIRUDDHA BOSE)

New Delhi
August 29, 2019

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).2381/2009

ABDUL HOSSAIN & ORS.

Appellant(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

Date : 29-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s)

Mr. Pijush K. Roy, Adv.
Mrs. Kakali Roy, Adv.
Mr. Mithilesh Kumar Singh, AOR

For Respondent(s)

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajl Dalal, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Dimple Nagpal, Adv.
Mr. Naveen Kumar, Adv.
M/S. Plr Chambers And Co., AORUPON hearing the counsel the Court made the following
O R D E R

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

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)