

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1612 OF 2010

SHOUKAT ALI & ORS.

...APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH

...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1613 OF 2010

O R D E R

Heard learned counsel for the parties.

Eights appellants, namely, Chand Khan, Shoukat Ali, Rasid Khan, Nisar Ahmed, Barkat Ali, Saiyyad Safayat Ali, Sharafat Ali and Nasir Khan are before us. Appellant Nos. 7 and 8 viz. Nisar Ahmed and Barkat Ali have been convicted under Section 147, 307/149 of the I.P.C and sentenced to undergo R.I. for seven years. Others have been convicted under Section 302/149 IPC and sentenced to undergo life imprisonment.

The case of the prosecution is that on 08.05.1992, P.W.-5 Jai Singh was going along with deceased Balla @ Baldev and Bulbul @ Punamchand on a cycle. The accused who formed an unlawful assembly assaulted the complainant party resulting in death of Balla @ Baldev and Bulbul @ Punamchand, wherein P.W-5

received injuries.

Sixteen persons were sent up for trial. The trial Court acquitted three of them and convicted the remaining thirteen. One of them died during the pendency of appeal before the High Court and four were acquitted by the High Court. Remaining eight are before this Court, as already noted.

We have gone through the relevant evidence particularly evidence of P.W.-1 Prem Narayan and P.W-5 Jai Singh which is the basis of the conviction of the appellants. We do not find any corroboration therein with regard to the role of Appellant Nos. 3, 4, 10 and 11. Accordingly, it is not safe to uphold their conviction. They are entitled to benefit of doubt. Accordingly, we set aside the sentence and conviction of appellant No. 3 (Chand Khan), Appellant No. 4 (Shoukat Ali), Appellant No. 10 (Sharafat Ali) and Appellant No. 11 (Nasir Khan) and acquit them. If they are in custody, they may be released forthwith, if not required in any other case. If they are on bail, their bail bonds stand discharged.

While upholding the conviction of Appellant Nos. 7 (Nisar Ahmed) and Appellant No. 8 (Barkat Ali), their sentence is reduced to the period they already undergone.

Appeals of Appellant No. 5 (Rasid Khan) and Appellant No. 9 Saiyyad Safayat Ali are dismissed. Their conviction and sentence are upheld. If on bail, they are directed to surrender forthwith to serve out the remaining

sentence, failing which, the jurisdictional CJM, may take steps to take them into custody to make them serve out the remaining sentence.

The appeals are, accordingly, disposed of in above terms.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
7th FEBRUARY, 2018

.....J.
[UDAY UMESH LALIT]

ITEM NO.101

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1612/2010

SHOUKAT ALI . & ORS.

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(PART HEARD BY HON. ADARSH KUMAR GOEL AND UDAY UMESH LALIT , JJ.)

WITH

CrI.A. No. 1613/2010 (II-A)

Date : 07-02-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)	Mr. Basanth R., Sr. Adv. Mr. Farrukh Rasheed, Adv. Mr. Aba Kabr Sabbaq, Adv. Mr. Zahid Hussain, Adv. Mr. Ankit Pandey, Adv. Mr. Siddhartha Dave, Adv. Mr. Farrukh Rasheed, AOR Mr. Ankit Pandey, Adv.
For Respondent(s)	Ms. Shashi Juneja, Adv. Ms. Swarupama Chaturvedi, Adv. Mr. Arjun Garg, AOR

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

The appeals are disposed of in terms of the
signed order.

Pending application(s), if any, shall also stand
disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(SUMAN JAIN)
BRANCH OFFICER