

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).7648/2010

(From the judgement and order dated 10/08/2010 in                      CRLR No.  
1137/2010 of The HIGH COURT OF PATNA)

RAM CHANDRA MAHTO & ORS.    Petitioner(s)

VERSUS

STATE OF BIHAR    Respondent(s)

(With appln(s) for bail)

Date: 21/01/2011      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)                      Mr. Ramjee Prasad, Adav.  
    Mr. R.Chandrachud, Adv.

For Respondent(s)                      Mr. Gopal Singh, Adv.  
    Mr. Manish Kumar, Adv.  
    Mr. Chandan Kumar, Adv.

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

Leave granted.

The appeal stands disposed in terms of the  
signed order.

(Neetu Sachdeva)

(Sneh Bala Mehra)

Sr. P. A.

Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 198 OF 2011  
(@ SLP (Crl.) No.7648/2010)

RAM CHANDRA MAHTO & ORS.    Appellant(s)

VERSUS

STATE OF BIHAR    Respondent(s)

O R D E R

Leave granted.

The order dated 25.10.2010 passed by this Court  
indicates that notice was issued only regarding sentence

imposed upon the appellants.

The trial court by judgement dated 27.05.2006 had

convicted the appellants under Sections 147, 447, 323,

324, 337 read with Section 149 IPC and sentenced each

appellant to undergo simple imprisonment for one year

for commission of offence punishable under Section 147

read with Section 149 IPC; simple imprisonment for one

month for commission of the offence punishable under

Section 447 read with Section 149 IPC; simple

imprisonment for six months for commission of the

offence punishable under Section 323 read with Section

149 IPC; rigorous imprisonment for one year for

commission of the offence punishable under Section 324

read with Section 149 IPC and simple imprisonment for a

-2-

period of three months for commission of offence

punishable under Section 337 read with Section 149 IPC.

Feeling aggrieved, the appellants had preferred

appeal before the appellate court. The appellate court

by judgment dated 25.03.2010 set aside conviction of the

appellants Nos.1 to 5 under Section 324 IPC and upheld

the conviction of all the appellants u/s.147, 447, 323,

324, 337 read with Section 149 IPC and sentences imposed

therefor. The conviction of the appellant No.6 under

Section 324 and sentence of simple imprisonment for 6

months imposed on him were upheld. Thereupon, the

appellants had invoked the revisional jurisdiction of

the High Court. The High Court by the impugned judgment

has reduced the maximum sentence of rigorous

imprisonment for one year imposed on the appellants for

commission of offence punishable under Section 324 read

with Section 149 IPC to simple imprisonment for 8

months and the sentence of rigorous imprisonment for one

year awarded under Section 324 IPC to the appellant No.6

to rigorous imprisonment for 9 months.

This Court has heard the learned counsel for the parties.

-3-

From the record of the case, it is evident that incident had taken place on 17.7.1995. There is no manner of doubt the appellants had undergone the ordeal of trial for about 11 years. The record does not indicate that any of the appellants was previously convicted. As per the statement made in the Special Leave Petition, the appellants and the prosecutions witnesses are residing in the same village. The appellants are aged between 22 years to 55 years. Thus, having regard to the facts of the case, this Court is of the opinion that interest of justice would be served if the appellants are sentenced to the period already undergone by them by this time for commission of offences punishable under Sections 147, 149, 447, 323, 324, 337 read with Section 149 IPC and that of the appellant No.6 under Sections 323, 324 is hereby confirmed. Further, each of the appellants is sentenced to the period already undergone by him. The appeal accordingly stands disposed of.

.....J.  
(J.M. PANCHAL)

NEW DELHI  
JANUARY 21, 2010

.....J.  
(H.L. GOKHALE)