

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL 520-521/2010

SHAKIL IBRAHIM KHAN KURESHI & ANR.

APPELLANT(S)

VERSUS

STATE OF GUJARAT

RESPONDENT(S)

O R D E R

The appellants herein, who are two in number, along with Mohd. Fazal (A1) have been convicted by the High Court under Sections 121A, 122 and 123 of the Indian Penal Code, 1860 (IPC) as well as under Sections 4(b), 5 and 6 of the Explosive Substances Act, 1908 and under Section 25(1AA) of the Arms Act, 1959 . We may also record that though the Trial Court had convicted them for commission of offences punishable under Section 121 and 120B of the IPC, insofar as conviction under these proceedings is concerned, the same has been set aside by the High Court. The net result is that all three accused persons on the aforesaid conviction have been imposed the sentence of life imprisonment. A1 has not filed any appeal against his conviction and, therefore, in his case, the judgment of the High Court had attained finality.

As far as the appellants herein are concerned, they were roped in along with A1 on the ground that they had conspired with A1 for

commission of the aforesaid offences, namely, waging war against the Government of India. Therefore, insofar as these appeals are concerned, we have to only examine as to whether there was sufficient evidence revealing conspiracy of these two accused persons for committing the aforesaid offences. For this purpose, we have gone through the record as well as the impugned judgment of the High Court. We find that the prosecution was able to successfully lead the evidence reflecting the conspiracy entered into by and between all three accused persons. This evidence is discussed in detail by the High Court and the learned counsel appearing for the appellants, though argued at length, could not shake the testimonies of the prosecution witnesses on the aspect of conspiracy.

We, thus, do not find any merit in these appeals, which are accordingly dismissed.

.....J.  
[A.K. SIKRI]

.....J.  
[R. BANUMATHI]

NEW DELHI;  
NOVEMBER 17, 2016.

ITEM NO.103

COURT NO.9

SECTION IIB

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 520-521/2010

SHAKIL IBRAHIM KHAN KURESHI &amp; ANR.

Appellant(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(with appln. (s) for bail and bail and bail and office report)

Date : 17/11/2016 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. S. C. Patel, Adv.

For Respondent(s) Mr. Subranshu Padhi, Adv.  
Ms. Hemantika Wahi, Adv.  
Ms. Aagam Kaur, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall be disposed of  
accordingly.(Ashwani Thakur)  
COURT MASTER(Mala Kumari Sharma)  
COURT MASTER

(Signed order is placed on the file)