

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). 644/2011

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

MOHAN SINGH & ANR.

Respondent(s)

WITH

Crl.A. No. 778/2011 (II-A)

Date : 02-03-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Mr. Pashupathi Nath Razdan, AOR

For Respondent(s) Mr. Mritunjay Kumar Sinha, AOR
Ms. Binisa Mohanti, Adv.
Mr. Ankit, Adv.UPON hearing the counsel the Court made the following
O R D E R

Both these appeals by the State of Madhya Pradesh, arise out of a common judgment rendered by the High Court of Madhya Pradesh, Jabalpur, Gwalior Bench, in two criminal appeals arising out of the conviction of about six persons, for offences punishable under Section 302 read with Section 149 and Section 324 read with Section 149 IPC.

Out of six individuals who faced trial, one of them died, during the pendency of the trial and another died during the pendency of the appeal before the High Court. Therefore the

surviving four persons are the respondents in the above two criminal appeals (three joined in one appeal and one joined in the other appeal). In Criminal Appeal No.644 of 2011, one of the three respondents has died. Thus there are two convicts in one appeal and one convict in the other appeal.

The Sessions Court convicted Mohan Singh for the Offences punishable under Section 302 read with Section 149 IPC and under Section 324 read with Section 149 IPC. The Sessions Court also convicted two other accused by named Udai Bhan Singh and Chanderbhan Singh for the offences punishable under Section 302 read with Section 149 IPC and Section 324 read with Section 149 IPC.

The High Court acquitted Mohan Singh as well as the other two accused for the offence punishable under Section 149 IPC. The High Court convicted Mohan Singh for the offence punishable under Section 302 IPC alone.

Similarly, the High Court found Udai Bhan Singh and Chanderbhan Singh guilty of the offence punishable only under Section 323 IPC.

Insofar as punishment is concerned, the life imprisonment imposed upon Mohan Singh by the Sessions Court was confirmed, but the High Court recorded the fact that the State Government has already released him on probation. Insofar as Udai Bhan Singh and Chanderbhan Singh are concerned, the High Court reduced the penalty to the period of sentence already undergone.

The result is that the respondents in both these appeals are now free birds.

We are not sure as to how Mohan Singh was released on probation, despite being convicted under Section 302 IPC.

Interestingly, Mohan Singh has not come up on appeal against his conviction under Section 302 IPC. The State has come up with an appeal even in respect of Mohan Singh, because his acquittal by the High Court for the offence under Section 149 directly impacts the acquittal of the other accused even for the offence under Section 302 IPC.

Therefore, the learned Standing Counsel for the State seeks time to verify the circumstances under which Mohan Singh has been ordered to be released on probation.

Adjourned by three weeks.

(RADHA SHARMA)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)