

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 664 OF 2010

STATE OF RAJASTHAN

... Appellant

VERSUS

GAHARU & ANR.

... Respondents

WITH

CRIMINAL APPEAL NO. 746 OF 2010

O R D E R

In the instant matters, common trial for offences registered under Section 147, 323/149, 325/149, 302/149, 452 and 366 of the Indian Penal Code was conducted against all the accused-respondents. The trial court had convicted them under Section 302/149 of the Indian Penal Code (IPC) as well as other offences mentioned above and sentenced them to Rigorous Imprisonment for life. The High Court, in appeal, converted the conviction from Section 302 IPC to that of 304-II IPC and imposed the sentence already undergone which was for about 3 years at that time. It has also granted compensation of Rs.One lakh to be given to the next of the kin of the deceased.

We find that the incident is of the year 1983, i.e., 33 years old. The judgment of the High Court is dated 04.10.2007 and with the pronouncement of the said judgment, these accused-respondents were released from jail. Though we

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find that the State which is in appeal has a arguable point, in a case like this where the incident is 33 years old and the respondents were also released more than 9 years ago, we do not deem it fit to go into the merits of the appeals. For the aforesaid reasons, we decline to exercise our jurisdiction under Section 136 of the Constitution of India. We make it clear that it shall not be treated as a precedent.

The appeals are disposed of accordingly.

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

....., J.
[R.K. AGRAWAL]

New Delhi;
May 05, 2016.

ITEM NO.104

COURT NO.12

SECTION II

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. 664/2010

STATE OF RAJASTHAN

Appellant(s)

VERSUS

GAHARU & ANR.

Respondent(s)

WITH

Criminal Appeal No. 746/2010
(With Office Report)

Date : 05/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s)

Ms. Aishwarya Bhati, Adv.
Gp. Capt. Karan Singh Bhati, Adv.
Mr. Jaideep Singh, Adv.
Mr. T. Gopal, Adv.
Ms. Heena Khan, Adv.
Mr. Milind Kumar, Adv.

For Respondent(s)

Ms. Charu Mathur, Adv.
Mr. Mukul Kumar, Adv.

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.

(Nidhi Ahuja)
Court Master

(Tapan Kr. Chakraborty)
Court Master

[Signed order is placed on the file.]