

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 2237/2010

UBEDULLAKHAN @ AJEEJKHAN

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

WITH

CRIMINAL APPEAL NO.1201/2023

(@ OUT OF SLP(CrI.) No.5096/2023

@ OUT OF SLP(CRL.)... CRLMP NO.6332/2015)

O R D E R

**Delay condoned and leave granted in SLP(CrI.)...CRLMP
No.6332/2015.**

**Heard the learned counsel appearing for the
parties.**

**The appellants who are accused nos. 1 and 2
were prosecuted for the offences punishable under
Sections 302, 307, 324 and 201 read with Section 34
of the Indian Penal Code, 1860¹.**

**There were three accused. As far as accused
no.3 is concerned, the Trial Court acquitted him
and the High Court has confirmed the acquittal.**

¹“IPC” for short.

The Trial Court after analyzing the evidence of prosecution witnesses came to the conclusion that evidence of PW-3 who was injured witness is inconsistent and therefore, cannot be believed.

In appeal, after perusal of the evidence of the prosecution witnesses and in particular, the evidence of PW-3, the High Court came to the conclusion that the evidence was sufficient to establish the guilt of the present appellants. However, the High Court convicted the appellants for the offences punishable under Section 304 Part-I and Section 334 read with Section 34 IPC.

After having perused the judgment of the Trial Court, we are not able to find fault with the order of conviction of the appellants. The High Court by overturning the order of acquittal, sentenced the appellants to undergo imprisonment for 10 years for the offence under Section 304 Part-I of IPC. The High Court also sentenced them to suffer imprisonment for one month for offence under Section 334 read with Section 34 IPC.

It is not in dispute that the appellants have

undergone sentence for 6 years and 3 months. The incident is of 07.10.1999. In Criminal Appeal No.2237 of 2010, the appellant was enlarged on bail by the order dated 14.02.2011. In the other criminal appeal, exemption from surrendering was granted to the appellant on 20.04.2015 by recording that the said appellant had already undergone sentence of more than 6 years.

Considering the motive alleged by the prosecution and the fact that the incident is of the year 1999, we deem it fit to reduce substantive sentence of the appellants to the one which is already undergone by them.

The appeals are partly allowed accordingly.

The sentence of the appellants is reduced to one which is already undergone by them. Bail bonds, if any, of the appellant in Criminal Appeal No.2237 of 2010 stand cancelled.

.....J
[ABHAY S. OKA]

.....J
(RAJESH BINDAL)

New Delhi
20.04.2023

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). 2237/2010

UBEDULLAKHAN @ AJEEJKHAN

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

WITH

SLP(Cr1.)...CRLMP No.6332/2015 (II-C)

(IA No. 7020/2015 - CONDONATION OF DELAY IN FILING)

Date : 20-04-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE RAJESH BINDALFor Appellant(s) Mr. M Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR
Ms. Uditha Chakravarthy, Adv.Mr. Sharanagouda S. Patil, Advocate
Mr. Ravi B. Patil, Adv.
Ms. Supreeta Sharangouda, Adv.
M/S. S-legal Associates, AORFor Respondent(s) Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are partly allowed in terms of the
signed order.

Relevant portion of the order is as under:

"The sentence of the appellants is
reduced to one which is already undergone by

them. Bail bonds, if any, of the appellant in Criminal Appeal No.2237 of 2010 stand cancelled."

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER(NSH)

(signed order is placed on the file)