

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.93/2020
[@ SLP [CRL.] NO.3030/2016]

VINU ALIAS VINODBHAI ISHWARBHAI PATEL Appellant(s)

VERSUS

THE STATE OF GUJARAT Respondent(s)

O R D E R

Leave granted.

On 5.8.2019, we passed the following order:

"It appears that before the Sessions Court, there were appeals preferred both by the petitioner and the State for seeking acquittal and enhancement of sentence respectively. Thus, the State had exercised rights under Section 377 of the Code of Criminal Procedure, 1973. The moot point which thus arises before this court is whether the second appeal for enhancement of sentence was maintainable before the High Court as the High Court has set aside the order of the Sessions Court and restored the order of the trial Court."

Learned counsel for the respondent-State fairly states that a second appeal for enhancement of sentence would not be maintainable before the High Court and that came to be filed when the revision petition of the appellant was being decided by the High Court.

The aforesaid being the position, the impugned order enhancing

the sentence in the second appeal filed by the respondent-State vide order dated 12th January, 2016 would have to be set aside.

Ordered accordingly.

The appeal is accordingly disposed of leaving parties to bear their own costs.

The appellant be released forthwith.

.....J.

[SANJAY KISHAN KAUL]

.....J.

[K.M. JOSEPH]

NEW DELHI

JANUARY 14, 2020.

ITEM NO.23

COURT NO.12

SECTION II-B

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

Petition(s) for Special Leave to Appeal (CrI.) No(s).3030/2016

(Arising out of impugned final judgment and order dated 12-01-2016 in CRLA No.208/2014 passed by the High Court of Gujarat at Ahmedabad)

VINU ALIAS VINODBHAI ISHWARBHAI PATEL

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

Date : 14-01-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. Sandeep Deshmukh, Adv.
 Mr. Nachiketa Joshi, AOR
 Ms. Sucheta Joshi, Adv.
 Ms. Himadri Haksar, Adv.
 Mr. Vipul Tiwari, Adv.

For Respondent(s) Mr. Aniruddha P. Mayee, AOR
 Mr. A. Rajarajan, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]