

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 707 OF 2018  
(Arising out of S.L.P. (Cr1.) No. 2893 OF 2018)

SURESH

Appellant(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

O R D E R

Heard learned Counsel appearing for the parties.

Leave granted.

The impugned judgment dated 10.11.2017 expressly states that two vital eye-witnesses have not been examined as a result of which the commission of dacoity itself cannot be said to be proved. Section 412 of the IPC under which the appellant was sentenced to an year of imprisonment is set out herein below:

“412. Dishonestly receiving property stolen in the commission of a dacoity.- whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”

It is clear from the above Section that whoever dishonestly receives property stolen in the commission of dacoity alone can be found guilty. The moment the offence of dacoity itself has been held not to have been committed any offence under this section must likewise fail.

For this reason, we set aside the impugned judgment of the High Court and acquit the appellant. The appellant will be discharged from jail forthwith.

Accordingly, the appeal is allowed.

..... J.  
(ROHINTON FALI NARIMAN)

.....  
(L. NAGESWARA RAO)

New Delhi;  
May 08, 2018.

ITEM NO.7

COURT NO.11

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 (Cr1.) No(s). 2893/2018

(Arising out of impugned final judgment and order dated 10-11-2017 in CRAS No. 1750/2003 passed by the High Court Of Punjab & Haryana At Chandigarh)

SURESH

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.42337/2018-CONDONATION OF DELAY IN FILING and IA No.42342/2018-EXEMPTION FROM FILING O.T.)

Date : 08-05-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mamtaz Ahmad, Adv.  
Mr. Bharat Bhushan, AOR

For Respondent(s) Mr. Anil Grover, AAG  
Mr. Satish Kumar, Adv.  
Mr. Vishwa Pal Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application stands disposed of.

(R. NATARAJAN)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

(Signed order is placed on the file)