

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1608-1609/2021

(@Petitions for Special Leave to Appeal (Crl.) Nos.7164-7165/2019)

PAPPU SINGH ETC.

Appellant(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

O R D E R

The Court is convened through Video Conferencing.

Leave granted.

This Court issued limited notice on 20-09-2019 on the quantum of sentence only.

The present Appeals are filed against the common final Judgment and Order dated 18.12.2018 passed by the High Court of Judicature at Patna in Criminal Appeal (SJ) No 140 of 2009 and 284 of 2009 by which the said Court has been pleased to dismiss the Appeals preferred by the appellants - herein and convicted them under Section 326 read with Section 34 of the Indian Penal Code ("IPC").

When these matters came up for hearing on 6-8-2021, finally four weeks' time was granted to the learned counsel for the State to file counter affidavit in the matters.

As per Office Report, the State has failed to file counter affidavit in the matters so far.

Having heard learned Senior counsel appearing for the appellants – accused, learned counsel appearing for the State of Bihar and carefully perusing the material available on record, we see no reason to interfere with the impugned Judgment passed by the High Court so far as conviction of the appellants is concerned.

However, we find that that Appellant Nos.1 & 2 are reported to have suffered incarceration for more than 3 years & 6 months.

Keeping in view all the attending circumstances including social and economic conditions of the appellants, it appears to us just and equitable to reduce the sentence awarded to the appellants to the period already undergone by them.

The appellants are, therefore, directed to be released from jail forthwith, subject to such terms and conditions which the concerned Trial Court shall deem fit and appropriate to impose upon them.

Accordingly, the Criminal Appeals are partly allowed in the afore-stated terms.

.....CJI  
(N.V. RAMANA)

.....J  
(SURYA KANT)

.....J  
(HIMA KOHLI)

NEW DELHI;  
11TH DECEMBER, 2021.

