

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1239 OF 2017

(Arising out of S.L.P. (Criminal) No.8342 of 2016)

MURLIDHAR & ORS. .. Appellant(s)

Versus

THE STATE OF RAJASTHAN .. Respondent(s)

WITH

CRL.APPEAL NO.1240 OF 2017 @ of SLP (Cr1) No.3926/2017

O R D E R

Leave granted.

The courts below have concurrently found that the appellants before us having indulged in violence would, therefore, be guilty of offences under Sections 323 and 324 of the Indian Penal Code. That being the case, they have been sentenced to a period of one year's imprisonment each.

Ordinarily, this Court would not have interfered with the concurrent findings both on the guilt of the accused as well as the sentence. However, we find that insofar as the present accused are concerned, the present accused got attracted to the spot at the fag end of the incident after hearing some noise and there was, therefore, a clash between two groups which caused simple injuries to each other. It was further found in view of this, that it could not be said that the accused constituted an unlawful assembly.

This being the case, we feel that justice would better be served if the appellants are sentenced to the period already undergone, which, we are informed is approximately 45 days.

The appeals are disposed of in the above terms.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI,
JULY 21, 2017.

ITEM NO.45

COURT NO.13

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 8342/2016

(Arising out of impugned final judgment and order dated 11-01-2016 in DBCRA No. 1582/2007 passed by the High Court of Rajasthan at Jaipur)

MURLIDHAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

WITH

SLP(Cr1) No. 3926/2017 (II)

(This matter is complete)

Date : 21-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr.Anand Mishra, AOR
Mr. Amrendra Kumar Singh, Adv.
Mr. U.N. Singha, Adv.

For Respondent(s) Mr.Rohit K. Singh, AOR

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

Leave granted.

The appeals are disposed of in the above terms.

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

Signed order is placed on the file.