

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 700 OF 2020
(Arising out of SLP (Cr1.) No. 3070/2020)

MAROTRAO & ANR.

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the appellants as well as learned counsel for the State of Maharashtra. It is an admitted position that even according to the impugned judgment of the High Court, the injury that was caused was simple and not grievous. This being the case, the High Court was in error in convicting the appellant-Accused Nos. 10 & 11 under Section 326 read with Section 149 of IPC and sentencing them to 6 years rigorous imprisonment. It is clear that if the injury caused was simple, the conviction could only be under Section 323, and the maximum period is one year. Considering that the appellants have now spent almost six months in jail, we convict them under Section 323 and the period of sentence that is already undergone is to be substituted for the sentence of the High Court.

The impugned judgment of the High Court is set aside and the appeal is allowed in the aforesaid terms. The appellants are directed to be released forthwith.

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

..... J.
(NAVIN SINHA)

..... J.
(KRISHNA MURARI)

New Delhi;
October 27, 2020.

ITEM NO.1 Court 3 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3070/2020

(Arising out of impugned final judgment and order dated 22-01-2020 in CRLA No. 625/2012 passed by the High Court Of Judicature At Bombay At Aurangabad)

MAROTRAO & ANR.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 81991/2020 - GRANT OF BAIL)

Date : 27-10-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. Pradnya Talekar, Adv.
Mr. Atul Babasaheb Dakh, AOR

For Respondent(s) Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Geo Joseph, Adv.

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

Leave granted.

The impugned judgment of the High Court is set aside and the appeal is allowed. The appellants are directed to be released forthwith in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)