

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1064 OF 2017
(Arising out of SLP(Crl.) No.4672 of 2016)

MUNNIBAIAPPELLANT (S)

VERSUS

STATE OF MADHYA PRADESHRESPONDENT (S)

O R D E R

Leave granted.

This appeal has been preferred by the appellant against the judgment and order dated 03.09.2015 passed by the High Court of Madhya Pradesh Bench at Indore, in Criminal Appeal No.1290/2002, whereby the High Court disposed of the said appeal by holding that the appellant - Munnibai is a woman and no injury has been attributed to her, hence she is convicted for offences under Section 304 Part-II read with Sections 149 and 148 of the Indian Penal Code (for short, the 'IPC') and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.500/-, with default clause.

We have heard learned counsel appearing for the parties and perused the record.

We find that there is no overt act attributed to the appellant-accused. The appellant is a woman and has been convicted under Section 304 Part-II read with Sections

149 and 148 of the IPC and sentenced as above by the High Court. However, the presence of the appellant-Munnibai at the crime scene is undoubted.

For the reasons aforesaid, while maintaining the conviction as held by the High Court, we deem it appropriate to reduce the sentence of the appellant from 7 years to 3 years of rigorous imprisonment. We order accordingly. However, there shall be set-off of the period already undergone by the appellant but the fine with default clause as ordered by the High Court, shall remain intact.

Hence, the appeal is disposed of in the above terms.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

New Delhi;
July 07, 2017.

ITEM NO.43

COURT NO.7

SECTION II-A

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 (Crl.) No.4672/2016

(Arising out of impugned final judgment and order dated 03-09-2015 in CRLA No.1290/2002 passed by the High Court of M.P at Indore)

MUNNIBAI

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(With appln.(s) for exemption from filing Official Translation)

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

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Fakhruddin, Sr. Adv.
Ms. Sona Faisal Rizvi, Adv.
Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Ms. Sangita Rai, Adv.

For Respondent(s) Mr. Naveev Sharma, Adv.
For Mr. Mishra Saurabh, AOR

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.

As a sequel to the above, pending interlocutory applications,
if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
BRANCH OFFICER

(Signed Order is placed on the file)