

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 372 of 2020
(Arising out of SLP(CRL.)No.7406/2019)

MOHD. SALAUDDIN ANSARI @ MD. SALAUDDIN Appellant(s)

VERSUS

THE STATE OF JHARKHAND Respondent(s)

O R D E R

Leave granted.

A First Information Report was registered on 29.12.2004 at Sarwan Police Station, District Deoghar, Ranchi under Section 307 of IPC and Section 27 of Arms Act against the appellant - Mohd. Salauddin Ansari on the statement of his wife Subaida Khatoon who stated that her husband Mohd. Salauddin Ansari fired at her with an intention to cause her death. According to her, the incident occurred 12 days back. The bullet hit on her cheek below her right eye. She was taken by her husband to some other village and was given treatment there. Three days later, she was brought to her matrimonial home. She narrated the incident to her father. Thereafter, she approached the Police Station for making a complaint about the incident. A charge was framed against the appellant on 01.03.2005 under Section of the 307 IPC and Section 27 of the Arms Act. The appellant pleaded not guilty and was tried.

On appreciation of the evidence on record, the trial Court convicted the appellant under Section 307 of the IPC and Section 27 of the Arms Act and sentenced him to undergo an imprisonment of seven years under Section of the 307 IPC and three years for an offence under Section 27 of the Arms Act.

The High Court affirmed the conviction of the appellant under Section 307 of the IPC and under Section 27 of the Arms Act. However, the sentence imposed on the appellant under Section 307 of the IPC was reduced to five years from seven years.

We have heard the learned counsel for the appellant and the learned counsel for the State and carefully examined the material on record.

Dr. Deepak Kumar Sinha, deposed before the trial Court as PW-5 refers to the injuries on the complainant which are as follows:

1. Sutured wound lacerated 1" long and partially healed with blackish margin 1" below right eye.
2. Multiple blackish spots on right cheek and forehead.
3. Redness of right eye."

Mr. Tapesh Kumar Singh, learned counsel for the State states that there is a loss of vision in the right eye of the complainant. There is nothing on record to show that there is a permanent

loss of vision. After careful scrutiny of the material on record, we are of the opinion that the appellant could not have been convicted under Section 307 of the IPC. However, it is clear from the evidence of PW-4 - complainant that she suffered an injury for which she has undergone treatment. The prosecution has failed to establish that the appellant has committed an offence under Section 27 of the Arms Act.

We therefore, convert the conviction of the appellant from under Section 307 of the IPC to Section 324 and sentence the appellant to the period of imprisonment already undergone. The conviction of the appellant under Section 27 is set aside.

The appeal is accordingly, allowed. Pending application(s), if any, stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
02nd March, 2020

ITEM NO.38

COURT NO.11

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 (CrI.) No(s).7406/2019

(Arising out of impugned final judgment and order dated 10-12-2018 in CRA(SJ) No.212/2006 passed by the High Court Of Jharkhand At Ranchi)

MOHD. SALAUDDIN ANSARI @ MD. SALAUDDIN

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

(With application for exemption from filing O.T.)

Date : 02-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. Sonakshi Monga, Adv.
Mr. Ashok K. Singh, Adv.
Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. Tapesk Kumar Singh, AOR
Ms. Aditya Pratap 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 applications, if any, stand disposed
of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)