

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.220 OF 2020
(Arising out of SLP(Cr1.)No.5984 of 2019)

MUJEEB PAHALWAN

... APPELLANT

Versus

THE STATE OF RAJASTHAN

... RESPONDENT

O R D E R

1. Leave granted.

2. Challenging his conviction for the commission of the offences punishable under Sections 302 and 364 read with Section 120-B IPC, and the sentence of life imprisonment with a fine of Rs.100/- for the offence punishable under Section 302 IPC, and a sentence of rigorous imprisonment for ten years with a fine of Rs.100/- for the offence punishable under Section 364 IPC, imposed upon him by the Sessions Court, which was also confirmed by the High Court on appeal, A-4(the appellant *herein*), has come up with the above appeal.

3. The appellant as well as seven others were prosecuted before the Additional Sessions Judge (Fast Track) Court No.1, Kota, Rajasthan in Sessions Case No.195/2007 for

the offences punishable under Sections 302 and 364 read with Section 120-B IPC and Section 4/25 of the Arms Act. All the eight accused were convicted by the Sessions Court by a judgment dated 06.12.2008 for the offences punishable under Sections 302 and 364 read with Section 120-B IPC.

4. All the eight accused filed six appeals in Criminal Appeal Nos.1260 of 2008, 38 of 2009, 188 of 2009, 189 of 2009, 205 of 2012 and 206 of 2012 before the High Court of Judicature for Rajasthan at Jaipur. By a judgment dated 28.11.2013, the High Court dismissed all the six appeals thereby confirming the judgment of the trial court in respect of all the eight accused.

5. As against the dismissal of their appeals, all the eight accused except the appellant herein, who was A-4, filed Criminal Appeal Nos.285, 286, 287, 288, 289, 290 and 291 of 2016 on the file of this Court.

6. These appeals were allowed by this Court by an order dated 09.03.2017. By the said order, the conviction and sentence of the other seven accused were set aside and they were ordered to be released forthwith.

7. Unfortunately, the appellant who was A-4, chose to file the above appeal with a long delay of 1892 days,

after nearly two years of the acquittal of all the other seven accused. The reasoning given by this Court in its order dated 09.03.2017 applies equally in respect of the appellant herein. This Court has recorded a finding in paragraph 14 of its order dated 09.03.2017 that there are serious doubts as to the manner the prosecution has suggested that the crime was committed. Therefore, the appellant herein is also entitled to succeed on the same rationale.

8. Hence, the appeal is allowed and the judgments of the High Court and the Sessions Court are set aside. The appellant is acquitted of the charges levelled against him. He is directed to be released forthwith if not required in connection with any other case.

.....J.
(N.V.RAMANA)

.....J.
(V. RAMASUBRAMANIAN)

NEW DELHI;
FEBRUARY 03, 2020.

ITEM NO.32

COURT NO.2

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).5984/2019

(Arising out of impugned final judgment and order dated 28-11-2013 in DBCRA No.206/2012 passed by the High Court of Judicature for Rajasthan at Jaipur)

MUJEEB PAHALWAN

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

Date : 03-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Ms. Gouri Karuna Das Mohanti, Adv.
Ms. Anu Gupta, AOR
Mr. Ali Jethmalani, Adv.
Mr. Prakhar Sharma, Adv.
Mr. Pawan Kumar Sharma, Adv.

For Respondent(s) Mr. Milind Kumar, AOR

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.

The appellant is acquitted of the charges levelled against him. He is directed to be released forthwith if not required in connection with any other case.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)