

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1141 OF 2019
(Arising out of SLP (Cr1.) No.10464 of 2018)

ATMARAM KRISHNAJI BORKAR & ANR.

Appellants

VERSUS

STATE OF MAHARASHTRA

Respondent

O R D E R

Leave granted.

The appellants (original accused nos.1 and 2) and original accused no.3 were convicted for the offence under Sections 324 read with Section 34 IPC and sentenced to one year imprisonment. However, they were acquitted of the charge under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the appeal preferred by the accused, the conviction and sentence of the present appellants was affirmed by the High Court. However, accused no.3 was extended the benefit under the Probation of Offenders Act, 1958.

This appeal at the instance of the original accused nos.1 and 2 challenges their conviction and sentence.

While issuing notice, this Court had granted interim bail to the appellants vide order dated 03.12.2018 which facility the appellants are still enjoying.

We have heard learned counsel for both sides.

With the assistance of the learned counsel, we have gone through the record and the allegations made therein as well as the injuries which were disclosed in the medical reports.

Having given thoughtful consideration, in our view, the ends of justice would be met if the substantive sentence of the appellants under Section 324 read with Section 34 IPC is reduced from one year to six months imprisonment, while maintaining their conviction. We order accordingly.

The appellants are directed to surrender within two weeks from today, failing which they shall be arrested and taken in custody immediately by the concerned Police Station.

Let an intimation be sent to the concerned Police Station as well as to the jurisdictional Chief Judicial Magistrate for compliance.

The appeal is allowed to the aforesaid extent.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

NEW DELHI;
JULY 26, 2019

ITEM NO.30

COURT NO.8

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 for Special Leave to Appeal (Cr1.) No.10464/2018

(Arising out of impugned final judgment and order dated 20-04-2018 in CRLA No.363/2004 passed by the High Court Of Judicature At Bombay At Nagpur)

ATMARAM KRISHNAJI BORKAR & ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(IA No.81587/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. Prachiti Deshpande, Adv.
Mr. Kishor Lambat, Adv.
M/s. Lambat And Associates, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, 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.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(Signed Order is placed on the File)