

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.732 OF 2020**  
**(Arising out of SLP (Criminal) No.4774 of 2020)**

**ASHOK KUMAR PANDEY**

**Appellant**

**VERSUS**

**STATE OF MADHYA PRADESH**

**Respondent**

**O R D E R**

**Leave granted.**

**This appeal arises out of the order dated 08.06.2020 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.3765 of 2019.**

**The appellant (Original Accused No.1) and two others were accused of having committed the offences punishable under Sections 304-B and 498-A of the Indian Penal Code, 1860 ("IPC", for short) and Sections 3/4 of the Dowry Prohibition Act,1961. They were tried in Sessions Case No.211 of 2015 by the Court of Sessions Judge, Singrauli, Baidhan, Madhya Pradesh. By judgment and order dated 15.04.2019, they were convicted of the offences for which they were charged and sentenced to suffer rigorous imprisonment for seven years under Section 304-B IPC;**

rigorous imprisonment for three years under Section 498-A IPC; and rigorous imprisonment of one year under Section 4 of the Dowry Prohibition Act, 1961, alongwith imposition of fine and sentence in default. All setences were directed to run concurrently.

In Criminal Appeal No.3765 of 2019 preferred therefrom, the submission that the appellant be granted the relief under Section 389 of the Code of Criminal Procedure, 1973 ("the Code", for short) having been rejected by the High Court, the present appeal has been preferred.

It is a matter of record that as against the maximum sentence of seven years awarded to the appellant in respect of the offence punishable under Section 304-B IPC, the appellant has already completed four years of actual sentence.

In the circumstance, we allow this appeal, set-aside the order under appeal, and allow the application preferred by the appellant under Section 389 of the Code.

The appellant shall be produced before the Trial Court within three days from today and the Trial Court shall release him on bail, subject to such conditions as the Trial Court may deem appropriate to impose.

The benefit granted under this order shall be available to the appellant only during the pendency of the appeal before the High Court.

The appeal is allowed in the aforesaid terms.

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

.....J.  
[VINEET SARAN]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
NOVEMBER 04, 2020.

ITEM NO.10

COURT NO.4  
(HEARING THROUGH VIDEO CONFERENCING)

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.4774/2020

(Arising out of impugned final judgment and order dated 08-06-2020 in CRA No.3765/2019 passed by the High Court Of M.P. Principal Seat At Jabalpur)

ASHOK KUMAR PANDEY

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No.100345/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.100342/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.100340/2020 - FOR EXEMPTION FROM FILING O.T.)

Date : 04-11-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Akshat Shrivastava, AOR

For Respondent(s) Mr. Abhinav Shrivastava, Adv.  
Mr. Arjun Garg, AOR  
Mr. Karan Kohli, 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, also stand disposed of.

(MUKESH NASA)  
COURT MASTER

(PRADEEP KUMAR)  
BRANCH OFFICER

(Signed Order is placed on the File)