

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.804 OF 2020
(Arising out of SLP(CrI.)No.11631 of 2019)

SAMAR @ GOLU SINGH THAKUR

.....APPELLANT

VERSUS

THE STATE OF CHHATTISGARH

....RESPONDENT

O R D E R

The Court is convened through Video Conferencing.

Leave granted.

Notice in this matter was issued on 06.01.2020.

The appellant has been convicted under Section 307 of the Indian Penal Code besides Section 25 of the Arms Act, 1959 and sentenced to undergo rigorous imprisonment for five years and fine of Rs.200/- as well as rigorous imprisonment for one year with fine of Rs.100/- respectively.

We have heard learned counsel for the parties including counsel for the *de facto* complainant who has come up with a plea that with the intervention of the respectables the appellant and the victim have arrived at a settlement.

Without going into the legality or propriety of the alleged settlement, we deem it appropriate to invoke powers under Article 142 of the Constitution and reduce the appellant's sentence to the extent of the period he has already undergone. It may be noticed that as per the custody certificate, the appellant has

already undergone actual sentence of more than two years and one month. Thus, while conviction of the appellant under Section 307 of the Indian Penal Code as well as under the Arms Act is maintained, his sentence is reduced to the extent of the period he has already undergone.

The appeal is allowed in the above terms.

The appellant be released forthwith unless required to remain in custody in some other case.

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

.....J.
(SURYA KANT)

.....J.
(ANIRUDDHA BOSE)

NEW DELHI;
NOVEMBER 20, 2020.

ITEM NO.1 In Court 2 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s).11631/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in CRA No.504/2009 passed by the High Court of Chhatisgarh at Bilaspur)

SAMAR @ GOLU SINGH THAKUR

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(ONLY I.A. NO. 111738/2020(APPLICATION FOR BAIL), I.A. NO. 111740/2020(APPLICATION FOR EXEMPTION FROM FILING O.T.) AND I.A. NO.111741/2020(APPLICATION FOR EXEMPTION FROM FILING ATTESTED/NOTARIZED AFFIDAVIT) ARE BEING LISTED
IA No.111741/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No.111740/2020 - EXEMPTION FROM FILING O.T.
IA No.111738/2020 - GRANT OF BAIL)

Date : 20-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Kaustubh Shukla, AOR

For Respondent(s) Mr. Lakshmeesh S. Kamath, AOR
(For complainant)

Mr. Sumeer Sodhi, AOR
Ms. Riddhima Juneja, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Leave granted.

The appeal is allowed in terms of the signed order.

The appellant be released forthwith unless required to remain in custody in some other case.

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

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAJ RANI NEGI)
DEPUTY REGISTRAR

(Signed order is placed on the file)