

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 517 OF 2020
(Arising out of SLP (Cr1.) No. 8454/2019)

ROOPLAL @ ROOPCHAND LILHARE

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted.

Having heard learned counsel for the appellant as well as the State, it is clear that the appellant herein, who is Accused No.8, has not been stated to have in any manner assaulted the victim by either eye-witness PW-1 or PW-2. Equally, the recovery that was effected was only against Accused Nos. 1, 2, 6 & 7. Considering that there is no case whatsoever against Accused No.8, it is surprising that he was not acquitted altogether. The trial Court bunched all the accused together and convicted all of them under Section 302. The High Court reversed insofar as this accused is concerned along with certain others and convicted these accused under Section 325. We find no plausible reason for doing the same so far as Accused No.8 is concerned. Accordingly, the High Court judgment is set aside insofar as this accused is concerned. The accused-appellant be released from jail immediately.

The appeal stands allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

..... J.
(INDIRA BANERJEE)

New Delhi;
August 13, 2020.

ITEM NO.13

Court 4 (Video Conferencing)

SECTION II-A

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 (Cr1.) No(s). 8454/2019

(Arising out of impugned final judgment and order dated 03-04-2019 in CRLA No. 2562/2008 passed by the High Court Of M.P. Principal Seat At Jabalpur)

ROOPLAL @ ROOPCHAND LILHARE

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 13-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Raj Kumar Bhartiya, Adv.
Mr. Sudhir Mendiratta, AOR

For Respondent(s) Mr. Mukul Singh, Dy. A.G.
Mr. Arjun Garg, AOR
Ms. Rati Tandon, Adv.

Mr. Rahul Kaushik, AOR

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

Leave granted.

The appeal stands allowed in terms of the signed order.

Pending applications, if any, stand disposed of .

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)