

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1089 OF 2019

(Arising out of SLP (CrI.) No.6386 of 2019 @ Dy. No.27424/2018)

GHANCHI HARUN ABDHULLABHAI

Appellant

VERSUS

STATE OF GUJARAT

Respondent

**O R D E R**

Delay condoned.

Leave granted.

In the present case, the appellant was convicted for the offences punishable under Sections 436 and 457 IPC and sentenced to suffer substantive sentence of 10 years and 3 years respectively.

The appeal preferred by the appellant having been dismissed, the present challenge has been raised in this Court.

This Court had issued notice on 07.12.2018 confined only to the issue of quantum of sentence.

According to the learned counsel appearing for the State, the appellant has already completed 7 years of substantive sentence in the present matter.

Considering the facts and circumstances of the case, in our view, it would meet the ends of justice if the substantive sentence under Section 436 IPC is reduced from 10 years to 7 years imprisonment. We order accordingly.

Except for the modification, as mentioned hereinabove, rest of the order of conviction and sentence remains intact.

It is also brought to our notice by the learned counsel for the State that the appellant is already undergoing sentence in connection with another offence. The sentence with respect to that offence shall have to be undergone.

The criminal appeal stands allowed in the aforesaid terms.

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

.....J.  
[VINEET SARAN]

NEW DELHI;  
JULY 22, 2019

ITEM NO.27

COURT NO.8

SECTION II-B

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.27424/2018

(Arising out of impugned final judgment and order dated 24-06-2009 in CRLA No.2187/2005 passed by the High Court Of Gujarat At Ahmedabad)

GHANCHI HARUN ABDHULLABHAI

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No.171738/2018 - CONDONATION OF DELAY IN FILING; and, IA No.171739/2018 - CONDONATION OF DELAY IN REFILING)

Date : 22-07-2019 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) Mr. Laxmi Arvind, Adv.  
Mr. Khushant Wadhwa, Adv.  
Mr. Pradeep Kumar Mathew, Adv.  
Mr. Chiranjeev Johri, Adv.  
Mr. Chandra Nand Jha, Adv.  
Mr. Rajesh Kumar Singh, Adv.  
Mr. N.K. Tiwari, Adv.  
Mrs. Laxmi Arvind, AOR

For Respondent(s) Ms. Deepanwita Priyanka, AOR  
Ms. Hemantika Wahi, AOR

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

Delay condoned.

Leave granted.

The criminal 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**