

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 325-327/2017
(@ Special Leave Petition Nos. 7703-7705/2014

VIJAY KUMAR GUPTA

APPELLANT (S)

VERSUS

STATE OF BIHAR & ANR.

RESPONDENT (S)

O R D E R

Leave granted.

Heard Mr. Gaurav Agrawal, learned counsel appearing for the a
appellant and the learned counsel appearing for the respondent
State.

The appellant is convicted under Section 498A of the Indian
Penal Code and is sentenced to imprisonment for one year. The High
Court has reduced the sentence to the period already undergone in
view of divorce by mutual consent between the appellant and
Respondent No. 2.

In view of the fact that the appellant is a Government servant
and if the conviction remains, he may lose his job, we are inclined
to exercise our powers under Article 142 of the Constitution of
India in the peculiar facts of this case and to do complete justice
in the matter, we set aside the conviction of the appellant under
Section 498A of the said Code.

Needless to say, this order will not be cited as a precedent
in any other case.

The appeal is allowed in the afore-stated terms.

.....J.
(PINAKI CHANDRA GHOSE)

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

NEW DELHI
FEBRUARY 10, 2017

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(s) for Special Leave to Appeal (Crl.) No(s).
7703-7705/2014

(Arising out of impugned final judgment and order dated 18/06/2014
in CRLM No. 24667/2014 27/11/2013 in CRLM No. 48364/2013 07/10/2013
in CRLR No. 60/2003 passed by the High Court Of Patna)

VIJAY KUMAR GUPTA

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 10/02/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Gaurav Agrawal, Adv.

For Respondent(s) Mr. Rudreshwar Singh, Adv.
Mr. Gautam Singh, Adv.
Mr. Vivek Vardhan, Adv.
Ms. Isha Singh, Adv.
Mr. Samir Ali Khan, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Application for exemption from filing O.T. is allowed.

The appeal is allowed in terms of the signed order.

(SONALI SAUND)
SR.P.A(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)