

ITEM NO.33

COURT NO.8

SECTION II

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.3689/2020

(Arising out of impugned final judgment and order dated 19-09-2017 in DBCRA No. 737/2009 passed by the High Court Of Judicature For Rajasthan At Jaipur)

AMBA LAL

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(With appln.(s) for interim relief and c/delay in filing SLP)

WITH Diary No.8374/2019 (II)

(With appln.(s) for c/delay in filing SLP, exemption from filing O.T.)

Date : 28-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. A. Sirajudeen, Sr. Adv.
Mr. Satyapal Khushal Chand Pasi, AOR
Mr. Tilak Raj Pasi, Adv.
Mr. Karrivenkata Reddy, Adv.
Mr. Xavier Felix, Adv.
Ms. Daniel Mary, Adv.

D.8374/2019

Mr. Vishal Meghwal, Adv.
Ms. Padhmalakshmi Iyengar, Adv.
Mr. Milind Kumar, AOR

For Respondent(s)

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

SLP (CrI) Diary No 3689/2020

Delay condoned.

Having heard learned counsel appearing on behalf of the petitioner, we find that the Additional Sessions Judge (Fast Track), Sawai Madhopur on 1 June 2009 convicted the petitioner of offences under Sections 302 and 436 of the Indian Penal Code. In respect of the offence under Section 302, the petitioner was sentenced to imprisonment for life and to a fine of Rs 2,000. In respect of the offence under Section 436, the petitioner was sentenced to five years imprisonment and to a fine of Rs 1,000. The High Court has confirmed the conviction and the sentence. However, the fine in respect of the offence under Section 302 has been enhanced from Rs 2,000 to Rs 50,000. The fine in respect of the offence under Section 436 has been enhanced from Rs 1,000 to Rs 5,000. Both the sentences are to run concurrently.

In the facts and circumstances of the case, we set aside the enhancement of the fine and maintain the fine which was imposed by the learned Additional Sessions Judge, namely, Rs 2,000 in respect of the offence under Section 302 and Rs 1,000 in respect of the offence under Section 436. Save and except for the aforesaid modification in respect of the quantum of fine, we maintain the order passed by the High Court.

The Special Leave Petition is accordingly disposed of.

Pending application(s), if any, stand disposed of.

SLP (Cr1) Diary No 8374/2020

Learned counsel appearing on behalf of the State of Rajasthan submitted that absolutely no reasons have been furnished by the High Court in the impugned judgment and order for the acquittal of Nanag Ram and Sitaram of the offences under Sections 302 read with Section 149 and Section 436 read with Section 149 of the Indian Penal Code.

Delay condoned.

Issue notice.

(Chetan Kumar)
A.R. -cum-P.S.

(Saroj Kumari Gaur)
Court Master