

IN THE SUPREME COURT OF INDIA  
 CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 266 of 2016

NASEEM Appellant(s)

VERSUS

STATE (NCT OF DELHI) Respondent(s)

WITH

CRIMINAL APPEAL NO(S). 1038-1040 of 2016

SHAMIM ETC. Appellant(s)

VERSUS

STATE (NCT OF DELHI) Respondent(s)

CRIMINAL APPEAL NO(S).1959-1960 of 2017  
 (Arising out of SLP(Crl.)No(s).8902-8903 of 2017  
 @ Crl.M.P. NO(s).5066-5067 of 2017)

JONNY ETC. Appellant(s)

VERSUS

STATE (NCT OF DELHI) Respondent(s)

O R D E R

Leave granted in the special leave petitions arising out of SLP (Crl.)No(s).8902-8903 of 2017 (@Crl.M.P. NO(s).5066-5067 of 2017).

We have heard learned counsel for the parties and perused the record.

Abid s/o Mohd. Nizam, Babu s/o Fakrul, Shamim s/o Mohd. Sahid, Naseem s/o Mohd. Sahid, Jonny s/o Roop Chand and Rabi-Ul-Islam s/o Mohd. Gauz were tried under Section 302/34 I.P.C. for the alleged murder of Mohd. Anwar s/o Mohd. Shahid

on 1<sup>st</sup> July, 2008. They were also charged for the offence under Section 307 I.P.C. for assaulting members of the complainant party.

The courts below have convicted them under Section 302 I.P.C. and other offences.

As regards appeal of Rabi-Ul-Islam s/o Mohd. Gauz, who is absconding after grant of parole, and Abid s/o Mohd. Nizam we do not find any merit. Their conviction and sentence stand affirmed.

As regards Babu s/o Fakrul, Shamim s/o Mohd. Sahid, Naseem s/o Mohd. Sahid and Jonny s/o Roop Chand, their conviction under Section 302 I.P.C. is set aside. However, their conviction and sentence for other offences are upheld. Since the said appellants are said to have undergone custody for about nine years, they will be sentenced to the period already undergone by them. They be released from custody unless required in any other case.

The appeals of Rabi-Ul-Islam s/o Mohd. Gauz and Abid s/o Mohd. Nizam are dismissed and appeals of Babu s/o Fakrul, Shamim s/o Mohd. Sahid, Naseem s/o Mohd. Sahid and Jonny s/o Roop Chand are partly allowed as above.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
November 15, 2017.

ITEM NO.103

COURT NO.11

SECTION II-C

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

Criminal Appeal No(s). 266/2016

NASEEM

Appellant(s)

VERSUS

STATE(NCT OF DELHI)

Respondent(s)

WITH Cr1.A. No. 1038-1040/2016 (II-C)  
(IA No.77725/2017-FOR BAIL)

SLP(Cr1.)NO.8902-8903 OF 2017 (@CRLMP No. 5066-5067/2017) (II-C)

Date : 15-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)  
(Cr1.A.266/2016 &  
1038-1040 of 2016)

Mr. Syed Asif Iqbal,Adv.  
Ms. K. Vaijyanthi,Adv.  
Mrs. Rachana Joshi Issar, AOR

(SLP 8902-8903/2017  
@ Cr1.M.P.5066-67/2017)

Mr. Pramod Swarup,Sr.Adv.  
Ms. Pareena Swarup,Adv.  
Ms. Suni P.S.,Adv.  
Ms. Sushma V.,Adv.  
Mr. Praveen Swarup, AOR

For Respondent(s)

Mr. Aman Sinha,Sr.Adv.  
Mr. K.L. Janjani,Adv.  
Mr. R. Nedumaran,Adv.  
Mr. B.V. Balaramdas,Adv.  
Mr. B. Krishna Prasad, AOR  
Mr. Chirag M. Shroff, AOR

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

Delay condoned and leave granted in the special leave petitions arising out of SLP (Cr1.)No(s).8902-8903 of 2017 (@Cr1.M.P. NO(s).5066-5067 of 2017).

In terms of the signed order, appeal of Abid (Cr1.A.NO. 1040 of 2016) and Rabi-Ul-Islam (Cr1.A.No.5067 of 2017) are dismissed AND appeal of Naseem (Cr1.A. NO.266 of 2016), Shamim

(Crl.A.No.1038 of 2016), Babu (Crl.A.No.1039 of 2016) and Jonny (Crl.A.No.5066 of 2017) are allowed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER

(Signed order is placed on the file)