

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1606 of 2017
(Arising out of SLP(Crl.)No.10764 of 2015)

SONU @ SUJIT

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted.

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

The appellant has been convicted and sentenced as follows :

1. U/s. 25(1) of Arms Act, 1959. R.I. for 2 years, fine of Rs.200/- in default R.I. for 3 months.

2. U/s 27(1) of the Arms Act, 1959. R.I. for 4 years, fine of Rs.500/- in default R.I. for 6 months.

3. U/s. 398 of I.P.C. R.I. for 10 years.

4. U/s. 302 of I.P.C. Life imprisonment, fine of Rs.5000/- in default 1 year additional imprisonment.

(Sentences to run concurrently)"

We do not find any ground to disturb the conviction and sentence of the appellant for the first three charges above. However, with regard to conviction and sentence of the appellant under Section 302 of the Indian Penal Code, we find that the evidence is contradictory. In his statement, PW-23 Har Govind deposed that Shailender had fired and not the accused.

We are, thus, of the view that the appellant is entitled to benefit of doubt. The conviction and sentence of the appellant under Section 302 I.P.C. is accordingly set aside. In case he has undergone the sentence under the first three charges, he may be released from custody, if not required in any other case.

The appeal is partly allowed as above.

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

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

New Delhi,
September 12, 2017.

ITEM NO.16

COURT NO.11

SECTION II-A

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). 10764/2015

(Arising out of impugned final judgment and order dated 01-02-2013 in CRLA No. 854/2002 passed by the High Court Of Madhya Pradesh, Principal Seat At Jabalpur)

SONU @ SUJIT

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

Date : 12-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Chanchal Kumar Ganguli, AOR
Ms. Shikha Aggarwal, Adv.

For Respondent(s) Ms. Bansuri Swaraj, Adv.
Mr. Raghunatha Sethupathy, Adv.
Mr. C. D. Singh, AOR

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

Leave granted.

In terms of the signed order, the appeal is partly
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)