

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.12 OF 2020
(Arising out of S.L.P.(Cr1.) No.6227 of 2017)

Rambaran

Appellant(s)

Versus

State of M.P.

Respondent(s)

O R D E R

Leave granted.

The appellant herein stands convicted under Sections 326 and 323 read with Section 34 IPC for five years. Notice was issued limited to the question of sentence. The appellant is stated to have undergone approximately three years of custody.

Learned counsel for the appellant invites our attention to the reasoning of the High Court at paragraph 20(iv). The relevant extract of which reads as follows:-

"....this Court is of the considered view that looking to the background of the incident which arose on the petty issue of carrying away of fire wood which is a precious commodity in

rural areas, impulse more than intent may have been behind the offence and also that the appellants do not appear to have criminal antecedents.”

Learned counsel for the State opposes the said reasoning to submit that the assault by the appellant fell under Section 326 IPC and the medical report has also confirmed fracture of the parietal bone.

We have heard learned counsel for the parties. In view of the very reasoning assigned by the High Court itself, we are of the considered opinion that in the facts and circumstances of the present case, the sentence of the appellant deserves to be reduced to the period already undergone. It is ordered accordingly.

The appellant is directed to be released forthwith unless wanted in any other case. The appeal is, accordingly, allowed.

.....J.
[Navin Sinha]

.....J.
[Krishna Murari]

New Delhi
January 07, 2020.

ITEM NO.37

COURT NO.15

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.6227/2017

(Arising out of impugned final judgment and order dated 28-07-2016
in CRLA No. 115/2004 passed by the High Court Of M.P. at Gwalior)

RAMBARAN

Petitioner(s)

VERSUS

STATE OF M.P.

Respondent(s)

Date : 07-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Rajeev Kumar Bansal, AOR
Mr. M.P. Singh, Adv.
Mr. Akshay K. Ghai, Adv.

For Respondent(s) Mr. Rahul Kaushik, Adv.
Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapriya Satyam, Adv.
Mr. Rahul Khatri, Adv.
Mr. Varun K. Chopra, Adv.
Mr. Shubham Sharma, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

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

(Dipti Khurana)
Court Master

(Signed order is placed on the file)