

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.440 OF 2017

(@Petition(s) for Special Leave to Appeal (Crl.) No(s).327/2016)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

JAIPAL

Respondent(s)

O R D E R

We have heard the learned counsel appearing for the parties.

We have been taken through the Judgments of the Trial Court as well as the High Court delivered in this matter.

From the facts it appears that the Trial Court convicted the accused - respondent herein for offences punishable under Section 376 (2) (f) of the Indian Penal Code as also under Section 3 (ii) (v) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced him to life imprisonment on both the counts and was also ordered to pay a fine of Rs.50,000/- with default stipulations.

However, the High Court while sustaining the conviction of the respondent under Section 376 (2) (f) of the Code, acquitting him with the charge under Section 3 (ii)(v) of the said Act and reducing the sentence from life imprisonment to ten years rigorous imprisonment.

After having heard the learned counsel appearing for the parties and carefully perusing the material available on record, we find that it was not appropriate on the part of the High Court to reduce the sentence of the accused - respondent herein to 10 years

rigorous imprisonment instead of life imprisonment awarded by the Trial Court. Before reducing the sentence of the accused, the High Court ought to have taken into account the fact that the crime committed by the respondent - herein was heinous in nature as he has raped the innocent girl of only four years of age.

We also advert to a Judgment in `Sevaka Perumal and Anr. vs. State of Tamil Nadu' (1991) 3 SCC 471, in Paragraph 10 of which it has been highlighted that undue sympathy leading to imposition of inadequate sentence would do more harm to the justice system and would undermine public confidence in the efficacy of law.

Thus, we are of the considered view that the Trial Court has correctly dealt with the matter and rightly awarded the sentence of life imprisonment to the accused.

In view of the above, we set aside the impugned Judgment of the High Court to the extent it reduces the sentence from life imprisonment to ten years rigorous imprisonment.

The Appeal filed by the appellant - State of Rajasthan is allowed in the afore-stated terms.

.....J
(PINAKI CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
1ST MARCH, 2017.

ITEM NO.48

COURT NO.6

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 327/2016

(Arising out of impugned final judgment and order dated 03/02/2015 in CRLA No. 556/2006 passed by the High Court of Rajasthan at Jaipur)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

JAIPAL

Respondent(s)

(With appln (s) for exemption from filing O.T.)

Date: 01/03/2017 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s)

Ms. Paritosh Anil, Adv.
Ms. Urvashi Bandhu, Adv.
Ms. Ruchi Kohli, AOR

For Respondent(s)

Mr. Devender Kr. Saini, Adv.
Mr. Sanjay Kumar Visen, AOR

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

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

Leave granted.

The Appeal filed by the appellant - State of Rajasthan is allowed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(HARESH SINGH NEGI)
COURT MASTER

(Signed Order is placed on the file)

