

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.630 OF 2017

MUNJAVAR AARIS GULAMNABI

APPELLANT(S)

VERSUS

STATE OF GUJARAT

RESPONDENT(S)

O R D E R

1. The appellant, along with two other accused, have been charged and convicted for the offences under Sections 186 and 332 of the Indian Penal Code, 1860 (for short, 'the IPC').
2. The High Court having found that the evidence adduced by the eye-witnesses being trustworthy, coupled with the recovery under Section 27 of the Indian Evidence Act, 1872, confirmed the conviction and sentence.
3. The learned counsel appearing for the appellant submitted that the witnesses who deposed in tune to the version of the prosecution are the government servants and, therefore, both the Courts ought to have eschewed their testimony. There are material contradictions in the evidence of PW-1 and PW-2 and other witnesses.
4. Merely because the witnesses are the government servants, they cannot be termed as interested witnesses. An interested witness is the one who is interested in

securing the conviction. Mere discrepancies between the evidence deposed by the witnesses *per se* would not enure the benefit of the accused, unless the contradictions are material to the extent of disbelieving their evidence. That is not the case before us. There is also a recovery which has been proved.

5. In such view of the matter, we are inclined to confirm the conviction. However, insofar as the sentence is concerned, we are inclined to modify the sentence to the period already undergone, especially by taking note of the fact that the occurrence took place way back in the year 1990.
6. Accordingly, the sentence is modified to the period already undergone.
7. The appeal is allowed in part. Bail bonds stand discharged.
8. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
4TH APRIL, 2024

ITEM NO.108

COURT NO.14

SECTION II-B

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). 630/2017

MUNJAVAR AARIS GULAMNABI

Appellant(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

Date : 04-04-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Appellant(s) Mr. Somesh Chandra Jha, AOR
Mr. Amartya Ashish Sharan, Adv.
Mr. Salim M. Saiyed, Adv.
Mr. Animesh Rajoriya, Adv.
Mr. Aakash Kishore, Adv.For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed in part in terms of the signed
order.

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

(SWETA BALODI)
COURT MASTER (SH)(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)