

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.106 OF 2001

Janga Lohar (Dead) & Anr.

...Appellant(s)

Versus

State of Uttar Pradesh

...Respondent(s)

O R D E R

Heard the learned counsel.

Trial Court convicted the two appellants along with Ram Auwtar and Dau Pandey under Section 395 of the Indian Penal Code, 1860, and sentenced them to undergo rigorous imprisonment for a period of seven years. On appeal being preferred, High Court upheld the conviction. Challenging their conviction, the two appellants filed this appeal by special leave.

During the pendency of this appeal, Appellant No.1 Janga Lohar died; as such, appeal filed by him abated. So far as Appellant No.2, Hira Lohar, is concerned, it appears from the record that he has remained in custody for a period of about two years. In the facts and circumstances of the case, we are of the view that it would be just and expedient in case the sentence of imprisonment awarded against him is reduced to the period already undergone by him.

...2/-

Accordingly, it is directed that the appeal filed by Janga Lohar abated and is disposed of as such. So far as the appeal filed by accused Hira Lohar is concerned, the same is allowed in-part and, while upholding the conviction, sentence of imprisonment awarded against him is reduced to the period already undergone by him.

Appellant No.2, who is on bail, is discharged from the liability of bail bonds.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
December 10, 2008.