

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1104 OF 2002

Yadu Nandan Mandal and Anr.

...Appellant(s)

Versus

State of Bihar

...Respondent(s)

O R D E R

Appellants, Yadu Nandan Mandal and Diwakar Mandal were tried along with Ganesh Mandal and Shyamdeo Jha for offences under Sections 364/34, 302/34, 201/34 and 379/34 of Indian Penal Code (for short 'IPC') on the allegations of having abducted and murdered Gauri Kant Jha and Aditya Nath Jha, disposed of their dead bodies and committed theft of their bicycles. The trial Court acquitted Shyamdeo Jha but convicted the remaining persons under Section 364 read with Section 34 IPC and sentenced them to undergo imprisonment for life. However, all the accused were acquitted of the charges under Sections 304/35, 201/34 and 379/34 IPC. All the convicts preferred appeal against the judgment of the trial Court. During the pendency of the appeal, accused, Ganesh Mandal died and, on that account, appeal filed by him abated. So far as the remaining two appellants are concerned, the High Court confirmed their conviction and sentence. Hence, this appeal by special leave.

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Learned counsel appearing on behalf of the appellants has pressed this appeal on the question of sentence and made a prayer that the sentence of imprisonment awarded against the appellants be reduced to the period already undergone as appellant No.1 – Yadu Nandan Mandal has remained in custody for a period of more than five years and appellant No.2 – Diwakar Mandal has remained in custody for a period of more than seven years.

Having heard learned counsel appearing on behalf of the parties and taking into consideration the totality of circumstances, we are of the view that ends of justice would be met in case the sentence of imprisonment awarded against the appellants is reduced to the period already undergone.

Accordingly, the appeal is allowed in-part and while upholding the conviction of the appellants, the sentence of imprisonment awarded against them is reduced to the period already undergone.

The appellants, who are on bail, are discharged from the liability of bail bonds.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

New Delhi,
May 06, 2009.

JUDGMENT