

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 190 OF 2006

GANGA SAGAR YADAV

.....

APPELLANT

VERSUS

STATE OF JHARKHAND

.....

RESPONDENT

O R D E R

This appeal has been filed through the Supreme Court Legal Services Committee on behalf of the appellant who stands convicted for an offence punishable under Section 376/34 of the Indian Penal Code and sentenced to undergo imprisonment for 10 years and to pay a fine of Rs. 2,000/- and in default to undergo simple imprisonment for six months. This appeal is directed against the concurrent orders of conviction made by the trial court as well as the High Court.

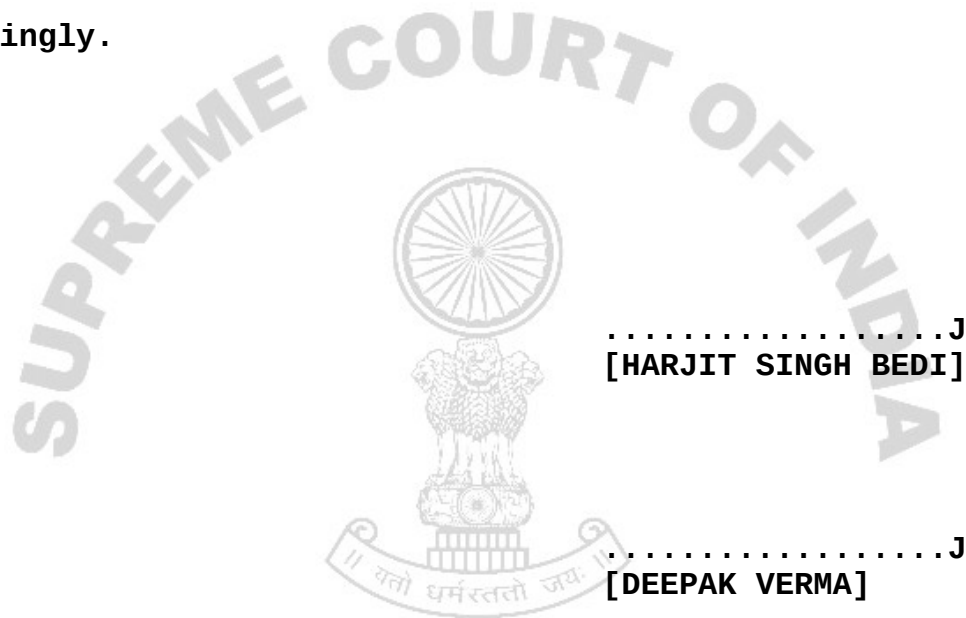
We have gone through the judgments of the trial court as well as the High Court and find that the prosecution story rests primarily on the statement of P.W. 9 the prosecutrix who was then 18 years of age. We have absolutely no reason whatsoever to disbelieve her statement. Her statement finds support from the evidence of P.Ws. 5 and 6 and from the medical evidence which supports the prosecution story in its entirety.

Mr. Ansar Ahmad Chaudhary, the learned counsel for the appellant has, however, pointed out that the appellant had been arrested on 22nd September, 1999 and had, accordingly, undergone more than 10 years of the sentence but was still continuing to languish in jail for reasons unknown.

After having heard the learned counsel for the parties and having carefully perused the record we find that it is indeed correct that the appellant had been arrested on 22nd September, 1999 and has been in jail ever since. Even assuming that he may have been released on parole, which period would have to be deducted from his total sentence, yet it is also possible that he would have earned some remissions as

well. In any case, it is apparent from the record that the appellant would have almost completed the sentence by now.

We are, therefore, of the opinion that the ends of justice would be met if the appeal is allowed to the extent that the sentence imposed on the appellant is reduced to that already undergone by him. We order, accordingly.



NEW DELHI
NOVEMBER 24, 2009.

JUDGMENT

PART-I

IN THE SUPREME COURT OF INDIA
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We have heard the learned counsel for the parties.

Vide our separate reasoned order, we have allowed the appeal to the extent that the sentence imposed on the appellant is reduced to that already undergone by him.

It is stated by the learned counsel for the appellant that the appellant is in jail. We direct that he be set at liberty forthwith if not required in connection with any other case.

The reasoned order to follow.

.....J
[HARJIT SINGH BEDI]

.....J
[DEEPAK VERMA]

NEW DELHI

NOVEMBER 24, 2009.

