

CASE NO.:
Appeal (crl.) 268 of 2008

PETITIONER:
Baba Jodhpuri @ Jyoti Swarup Anand

RESPONDENT:
State of Uttaranchal

DATE OF JUDGMENT: 05/02/2008

BENCH:
C.K. THAKKER & ALTAMAS KABIR

JUDGMENT:
JUDGMENT

O R D E R
CRIMINAL APPEAL NO. 268 OF 2008
(Arising out of Special Leave Petition (Crl) No.3049/2006)

Leave granted.

Heard learned counsel for the parties.

The appellant herein was convicted by the trial court for an offence punishable under Section 307 of the Indian Penal Code (IPC) and was ordered to undergo rigorous imprisonment for three years.

Being aggrieved by the said order of conviction and sentence, the appellant preferred an appeal and the High Court partly allowed the appeal filed by him and converted conviction of the appellant from an offence punishable under Section 307 IPC to Section 324 IPC and ordered to undergo rigorous imprisonment for four months.

Notice was issued by this Court to the State. We have heard learned counsel for the parties.

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So far as conviction is concerned, in our opinion, it cannot be said that the High Court has committed any error of law. On the question of sentence, an affidavit is filed by the appellant herein in which it was stated that the appellant is aged about 92 years. It was also stated as under:

"That I am suffering from Paralysis in the left part of my body for about last three months.

That in present day I am unable to walk and move from my bed and I am strictly bed ridden."

An affidavit on behalf of the respondent State is also filed wherein it was stated that the Deputy Superintendent of Police, Pithoragarh, Uttarachal has checked up and the information supplied by the appellant and the affidavit filed by him are found to be correct.

The learned counsel for the appellant stated at the Bar that the appellant has already undergone sentence for about five weeks. In view of the totality of the facts and circumstances of the case, in our opinion, ends of justice would be met if the sentence awarded to the appellant is reduced to the period already undergone. Ordered accordingly.

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The appeal is allowed to the extent above mentioned. Since the appellant is on bail the bail bonds of the appellant shall stand discharged.

JUDIS