

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1506 OF 2008
[Arising out of SLP(Crl.)No.6679 of 2007]

NARAYAN S/O VISHVNATH RAJPUT

Appellant(s)

VERSUS

STATE OF CHHATTISGARH

Respondent(s)

ORDER

Leave granted.

The appellant herein, along with one Vijay, were accused of commission of an offence under Section 376(2)(g) of the Indian Penal Code and were both sentenced to 10 years rigorous imprisonment and fine of Rs.5000/- each, in default to suffer rigorous imprisonment for a further period of six months.

From the evidence on record, it appears that the role of the appellant herein was different from the role of the other accused Vijay, in that the appellant assisted Vijay in commission of rape and it was Vijay, who actually committed such rape.

The appellant herein has already undergone 7 years, of the 10 years imprisonment inflicted on him. Since his

case is different from that of Vijay, we are of the view that the period already undergone is sufficient sentence as far as he is concerned.

We, accordingly, allow the appeal to the aforesaid extent, and reduce the sentence of the appellant to the period already undergone.

The appellant be released from custody forthwith.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

NEW DELHI;
September 22, 2008.

