

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

**CRIMINAL APPEAL NOS. 50-52 OF 2011
(ARISING OUT OF
SPECIAL LEVE PETITION (CRL.) NOS. 9303-9305 OF 2010)**

MASTER PRASAD & ANR. APPELLANTS

VERSUS

STATE OF RAJASTHAN RESPONDENT

O R D E R

Delay condoned.

Leave granted.

The appellants herein were convicted by the Additional Sessions Judge, Ramganjmandi, District Kota under Section 395 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of ten years and a fine of Rs.1,000/- and in default to undergo further rigorous imprisonment for a period of one month. It is the conceded position that as of today the appellants have undergone imprisonment for more than 5½ years.

Appellant herein, Master Prasad, preferred S.B. Criminal Appeal No. 1196 of 2008 through a private counsel and S.B. Criminal Jail Appeal No. 0223 of 2008 from jail whereas the other appellant Kannu Bhaijala

preferred S.B. Criminal Jail Appeal No. 775 of 2008 before the High Court and the High Court vide its common judgment dated 29th July, 2009, while confirming the conviction reduced the sentence of ten years to seven years rigorous imprisonment. The present appeals by way of special leave have been filed impugning the judgments of the courts below.

We have heard learned counsel for the parties. In the light of the facts that have been brought to our notice and some of the High Court's observations, we feel that the ends of justice would be met if the sentence of the appellants is reduced from 7 years to that already undergone.

With this modification in the sentence, the appeals are dismissed.

The appellants be released forth with if not wanted in any other case.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
JANUARY 05, 2011.

