

CASE NO.:
Appeal (crl.) 1450 of 2005

PETITIONER:
State of M.P.

RESPONDENT:
Sunil

DATE OF JUDGMENT: 24/10/2005

BENCH:
CJI R.C. Lahoti, G.P. Mathur & P.K. Balasubramanyan

JUDGMENT:
J U D G M E N T
(Arising out of Special Leave Petition (Crl.) No.118/2005)

G. P. MATHUR, J.

1. Delay in filing the special leave petition is condoned.
2. Leave granted.

3. This appeal has been preferred by the State of M.P. against the judgment and order dated 11.9.2003 of Justice N.S. Azad of M.P. High Court in Crl. Appeal No.979 of 1998.

4. The trial Court convicted the accused under Sections 342, 363, 366 and 376 I.P.C. and sentenced him to various terms of imprisonment and fine. He was awarded a sentence of 8 years R.I. and a fine of Rs.2,000/- and in default to undergo R.I. for a further period of 2 months under Section 376 I.P.C. The High Court partly allowed the appeal and while upholding the conviction of the accused on various counts reduced the sentence to the period already undergone which is nearly 6 years and 2 months.

5. Learned counsel for the appellant has submitted that the sentence imposed by the High Court is wholly inadequate looking to the nature of the offence and is contrary to the minimum prescribed by law.

6. Having regard to the facts and circumstances of the case, we are of the opinion that the sentence which the accused has already undergone i.e. 6 years and 2 months cannot be said to be inadequate or contrary to law. The appeal is accordingly dismissed.