

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 565 OF 2003

RAGHU @ RAGHAVBHAI VASHRAMBHAI & ANR. APPELLANTS

VERSUS

STATE OF GUJARAT

.

RESPONDENT

O R D E R

Heard learned counsel for the parties.

The prosecution was initiated in July, 1988 when one Shekhar was done to death by the appellants. The trial court made an outright acquittal of the accused for the offences they had been charged with. The State filed an appeal against acquittal before the High court. In view of the dissenting judgments rendered by the Hon'ble Judges on 16.08.1999, the matter was referred to Hon'ble the Chief Justice of the High Court under Section 392 of the Code of Criminal Procedure for further orders. Thereafter the third Hon'ble Judge vide the impugned judgment convicted the appellants under Section 304 (II) of the Indian Penal Code and

sentenced them to 45 months R.I. and a fine of Rs. 1,25,000/- with respect to appellant No. 2 - Ghanshyam and Rs. 75,000/- in case of appellant No. 1 - Raghu.

We are informed by the learned counsel for the appellants that Raghu has since undergone the sentence whereas Ghanshyam has undergone 36 months of the sentence and that he has already paid the fine of Rs. 1,12,000/- to the wife of the deceased who has since got married to her brother-in-law (brother of the deceased-husband).

In view of the peculiar facts and circumstances of the case, we find that the sentence of appellant No. 2 should also be reduced to that already undergone as we notice that the incident had happened in the year 1988 and the wife of the deceased has also been compensated by way of substantial compensation in terms of money. We, accordingly, dismiss the appeal but reduce the sentence of appellant No. 2 - Ghanshyam to that already undergone by him. No orders need be passed with respect to appellant No. 1 - Raghu who is stated to have undergone the complete sentence.

.....J
[HARJIT SINGH BEDI]

.....J
[AFTAB ALAM]

NEW DELHI
AUGUST 25, 2009.

