

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1699 OF 2012
(SPECIAL LEAVE PETITION (CRL.) NO. 4867 OF 2012)

DILIP KUMAR VERMA

APPELLANT

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT

WITH

CRIMINAL APPEAL NO. 1700 OF 2012
(SPECIAL LEAVE PETITION (CRL.) NO. 5430 OF 2012)

KULDEEP VERMA

APPELLANT

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT

O R D E R

1. Delay condoned.
2. Leave granted.
3. These appeals are filed against the impugned judgment and order dated 02.03.2012 passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 1652 of 2010, whereby the High Court has dismissed the appeal preferred by the appellants and upheld the conviction and sentence of the appellant -Dilip Kumar Verma for commission of offence under Section 27 of the Arms Act, Sections 504 and 506, part 2, I.P.C. and Section

3 (i) (x) of the Scheduled Castes and Scheduled Tribes Act ('S.C. & S.T. Act' for short) and in case of appellant, Kuldeep Verma, is concerned, the High Court has upheld the conviction and sentence awarded by the Trial Court punishable under Sections 504 and 506, part 2, I.P.C. and under Section 3(i) (x) of S.C. & S.T. Act. The Trial Court has sentenced both the appellants to 5 years of rigorous imprisonment and imposed fine of Rs.10,000/- on each of them.

4. While entertaining these petitions, we had issued limited notice confining only to the sentence that is awarded by the Courts below.

5. We have heard Shri Altaf Ahmed, learned Senior Counsel for the appellants and Shri Ratnakar Dash, learned Senior Counsel for the State.

6. Having heard learned Senior Counsels for the parties to the *lis*, in our considered opinion, the sentence awarded by the Courts below requires to be modified in view of the peculiar facts and circumstances of the case. Accordingly, we modify the order passed by the Courts below by reducing the sentence from a period of 5 years to 3 years for the offences punishable under

Section 27 of the Arms Act, and Section 506, part 2, I.P.C. as against appellant - Dilip Kumar Verma; and for a period of 5 years to 3 years for the offence punishable under Section 506, part 2, I.P.C. as against appellant viz. Kuldeep Verma. The sentence shall run concurrently. However, the fine imposed for each of the offences aforesaid so also the sentence awarded for other offences shall remain the same.

The Appeals are disposed of accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
OCTOBER 17, 2012

JUDGMENT