

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

CRIMINAL APPEAL No.402 of 2009
(Arising out of S.L.P. (Crl) No.5194 of 2008)

Salig Ram Sharma

.....Appellant(s)

Versus

State of M.P.

.....Respondent(s)

ORDER

Leave granted.

This appeal is directed against the judgment and order dated 4th October, 2007 rendered by the High Court of Madhya Pradesh, at Jabalpur. By the impugned order the High Court has upheld the conviction of the appellant for offence punishable under Section 392 read with Section 34 of the Indian Penal Code as also the sentence of rigorous imprisonment for a period of two years, awarded by the Trial Court.

We have heard learned counsel for the parties.

It is submitted by learned counsel for the appellant that the prosecution has failed to explain the delay in lodging of FIR and there are discrepancies in the evidence of the prosecution witnesses, whose testimony has been relied upon by the Courts below. It is contended that the prosecution has failed to prove the case, against the appellant and therefore, he deserves to be acquitted. Learned counsel also stated that the appellant has already undergone more than one year of sentence. It is pleaded

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that a lenient view may be taken. Learned counsel for the State on the other

hand, supported the decisions of the lower courts.

Having gone through the evidence on record, we are of the view that there is no ground to set aside the conviction of the appellant. However, bearing in mind the circumstances under which the incident had taken place, we are of the view that the interest of justice would be subserved if, while sustaining the conviction of the appellant, the sentence awarded is reduced to the period already undergone. We order accordingly.

Resultantly, the appeal is partly allowed to the extent indicated above. The appellant shall be released forthwith unless he is required to be in custody in connection with any other case.

LODHA]
NEW DELHI,
FEBRUARY 27, 2009.

.....J.

.....J.
[D.K. JAIN]

[R.M.

JUDGMENT