

ITEM NO.32

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 579/2020

(Arising out of impugned final judgment and order dated 17-05-2019 in CRA No. 219/1995 passed by the High Court Of M.P. Principal Seat At Jabalpur)

THE STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

NANDU @ NANDUA

Respondent(s)

(IA No.83685/2022-CONDONATION OF DELAY IN FILING and IA No.83689/2022-EXEMPTION FROM FILING O.T. and IA No.83687/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 11-07-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms. Ankita Chaudhary, Dy. AG
Mr. Nishant Verma, Adv.
Ms. Himanshi Shakya, Adv.
Mr. Gopal Jha, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Ms. Ankita Chaudhary, learned counsel appearing for the State has vehemently submitted that the learned trial Court convicted the respondent-accused - Nandu @ Nandua (A1) for the offences punishable under Sections 147, 148, 323 and 302/34 of the IPC and has sentenced the accused to undergo life imprisonment.

It is submitted that on the one hand, by the impugned judgment and order, the High Court has maintained the conviction however, by giving the benefit of right to private defence, the sentence of the

respondent is reduced to the sentence already undergone by him. It is submitted that at the time when the High Court passed the impugned order, the respondent-accused had undergone approximately 7 years and 10 months. It is submitted that once the conviction for the offence under Section 302 of the IPC is maintained, the only sentence which can be imposed would be life imprisonment. Therefore, the High Court has committed a grave error in reducing the sentence to the period already undergone i.e. 7 years and 10 months.

Issue notice for final disposal, returnable on 29.08.2022.

Dasti, in addition, is permitted.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR