
(2012) 12 SC CK 0061
In the Supreme Court Of India
Case No : Criminal Appeal No. 534 of 2009

Jayendra Singh

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 06-12-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2013) ALLMR(Cri) 793 : (2012) 12 SCALE 140

Hon'ble Judges : H.L. Dattu, J; Chandramauli Kumar Prasad, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. These appeals are directed against the judgment and order passed by the High Court of Judicature of Madhya Pradesh at Gwalior in Criminal Appeal No. 98 of 1999, dated 03.09.2007. By the impugned judgment and order, the High Court has confirmed the judgment and order of conviction and sentence passed by the Additional Sessions Judge, Datia in Sessions Trial No. 60 of 1997, dated 20.01.1999.

2. Being aggrieved by the judgment and order of the High Court, all the accused persons namely Veer Singh (A-1), Jayendra Singh (A-3) and Kailash Singh (A-4), except one, Shyamlal (A-2), are before us in these Criminal Appeals. The aforementioned accused, Shyamlal, was before this Court in [SLP(Crl.) No.... (CRLMP No. 5855 of 2008)] and his petition was dismissed vide order dated 07.04.2008. By virtue of the said order, we assume that A-2 must be undergoing the sentence and conviction upheld by this Court.

3. We have heard, Mr. Gaurav Agrawal, and other learned Counsels appearing for the Appellants. We have also carefully perused the judgment and order passed by the High Court as well as by the Trial Court. We have delved into the evidence of the witnesses, in particular, PW-1, PW-3, PW-4 and PW-5, who were the eye witnesses to the incident and have also looked into the post mortem report of the

Medical Officer. In our view, neither the Trial Court nor the High Court has committed any error, irregularity or perversity while arriving at the conclusion that the Appellants are guilty of the offences u/s 302 read with Section 34 of the Indian Penal Code, 1860 ("Indian Penal Code" for short). In that view of the matter, we do not find any reasonable ground to interfere with the impugned judgment and order passed by the High Court. Accordingly, we dismiss the appeals.

4. We are informed by the learned Counsels appearing for the Appellants that A-1 and A-4 are on bail and A-2 and A-3 are in jail serving their sentences. Learned Counsel would submit that the Appellants have already undergone custody of more than 14 years. Therefore, they request us to permit the Appellants to make an appropriate representation before the State Government for remission of their sentence and release them pre-maturely.

5. In our view, the request of the learned Counsel appears to be reasonable and, therefore, we direct A-1 and A-4 to surrender forthwith and, thereafter, permit all the accused persons to make an appropriate representation before the State Government for remission of their sentence. We hope and trust that the State Government would consider the representation filed by the accused persons sympathetically. The said exercise shall be done by the State Government within four months from the date of filing of the representation by the accused persons.

Ordered accordingly.