

SUPREME COURT OF INDIA

Abadhraj Dukharam Pande

Vs.

State of Maharashtra

Crl.A.Nos. 429 and 430 of 1974

(S. Murtaza Fazl Ali and A. D. Koshal, JJ.)

07.02.1979

JUDGEMENT

FAZAL ALI, J.:-

1. In these appeals by Special leave, appellant No. 1 has been convicted under Section 324 to one year's rigorous imprisonment and accused 2 and 4 under Section 323 to one month's rigorous imprisonment.

2. We have gone through the judgment of the Sessions Judge and we find that it has fully discussed the evidence of the prosecution and has come to a clear finding that the prosecution case is proved. The appeals before the High Court were dismissed in limine and we are satisfied that there is no arguable point in these cases which may have persuaded the High Court to admit the appeals. We, therefore, do not see any merit in these appeals.

3. As regards the question of sentence, since the injury caused by A-1 was a very serious one, having torn a portion of the abdomen by a razor, there is no question of any reduction in the sentence of A-1. As regards A-2 and A-4, it is stated that A-2 has already served out sentence and A-4 has also served out a portion of the sentence. In these circumstances, therefore, we while upholding the conviction and sentence of A-1 and A-2 reduce the sentence of A-4 to the period already served. With this modification, the appeals are dismissed.

Appeal dismissed.