

Amar Singh and Others

Vs

State of Madhya Pradesh

Criminal Appeal No. 237 of 1981

(Syed M. Fazal Ali, A. N. Sen JJ)

06.03.1981

ORDER

1. We have heard counsel for the parties and after going through the judgment of the courts below we are satisfied that this was not a fit case in which the appellants could have been convicted on the basis of presumption (under Section 114 of Evidence Act) under Section 395 of the Indian Penal Code. As however the articles were recovered very soon after the dacoity had taken place and had been proved to have been stolen in the course of the dacoity, the case of the appellants clearly falls within the ambit of Section 412, IPC. We therefore alter the conviction of the appellants from one under Section 395, IPC to that under Section 412, IPC and reduce the sentence from four years to two years' rigorous imprisonment. Fine to be maintained. Out of the sum of the fine, the entire amount shall be paid to the complainant.

2. With this modification, the appeal is disposed of.

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