

SUPREME COURT OF INDIA

Dattatraya Pandurang Shinde

Vs.

State of Maharashtra

CrI.A.No.1102 of 2003

(B. N. Agarwal and A. S. Lakshmanan JJ.)

06.04.2004

ORDER

1. Heard the parties.

2. The six accused were tried for offences under Sections 363 and 376 of the Indian Penal Code (for short the 'IPC') and by judgment rendered by the trial court, they were acquitted of all the charges. Against the order of acquittal State of Maharashtra preferred an appeal which has allowed and all the accused persons convicted under Section 363 read with Section 34 of the IPC and each one of them has been sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.2000/- each, in default to undergo rigorous imprisonment for a further period of four months. They have been further convicted under Section 376 of the IPC and sentenced to undergo rigorous imprisonment for a period of five years. The sentences, however, have been ordered to run concurrently. Hence, this appeal by special leave.

3. Having heard the parties and perused the evidence of identifying witnesses namely, PWs 1, 2 & 3, we are of the opinion that as the order of trial court suffered from the vice of perversity, the High Court was quite justified in reversing the same and convicting the appellants of the charges. In our view no case is made out for interference with the impugned judgment rendered by the High Court.

Accordingly, appeal is dismissed.