

**SUPREME COURT OF INDIA**

Baban

Vs.

State of Maharashtra

CrI.A.No.882 of 2007

(B.N. Agrawal and G.S. Singhvi JJ.)

06.05.2008

**ORDER**

Heard learned counsel for the parties.

The appellant, along with two other accused persons, was convicted under Section 306 read with Section 34 of the Indian Penal Code [for short, 'I.P.C.'] and sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.1,000/- each; in default, to undergo further imprisonment for a period of six months. They were further convicted under Section 498A I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- each; in default, to undergo further imprisonment for a period of six months. Both the sentences, however, ordered to run concurrently. On appeal being preferred, the High Court upheld the convictions, but reduced the sentence of imprisonment of the other two accused persons to the period already undergone; whereas did not make any alteration in the sentence so far the appellant is concerned. Hence, this appeal by special leave in which notice has been issued on the question of sentence only.

Learned counsel appearing on behalf of the appellant submitted that the appellant has remained in custody for a period of about two years. In the facts and circumstances of the case, we are of the view that ends of justice would be met if the sentence of imprisonment awarded against this appellant is reduced to the period already undergone.

Accordingly, the appeal is allowed in-part and while upholding the conviction of the appellant, sentences of imprisonment awarded against him are reduced to the period already undergone. The appellant, who is in custody, is directed to be released forthwith, if not required in connection with any other case.