

SUPREME COURT OF INDIA

Hari Ram

Vs.

State of Uttarakhand

Crl.A.No.1022 of 2010

(Altamas Kabir, T.S.Thakur and C.K.Prasad JJ.)

06.05.2010

ORDER

1. Leave granted.

2. This appeal is directed against the judgment and order dated 27th April, 2009, passed by the Uttarakhand High Court in Crl.Appeal No.376 of 2004, dismissing the same and confirming the judgment and order dated 15th December, 2004, passed by the learned Sessions Judge, Dehradun, in Sessions Trial No.106 of 2001, convicting the appellant under Section 324 IPC and sentencing him to two year's rigorous imprisonment and fine of Rs.5000/-, and in default of payment of fine, to undergo further six months' rigorous imprisonment.

3. Having heard learned counsel for the respective parties and having considered the facts involved, what emerges is that an incident had taken place on 31st December, 2000, at about 9.30 p.m. at Hotel Connaught Castle involving PW15, Manoj Chhabra, who was being chased by a mob. At the request of Manoj Chhabra's wife, the appellant, along with some other employees of the Hotel, brought Manoj Chhabra into the Hotel, but the incident continued and in order to prevent the mob from attacking Manoj Chhabra, the appellant is said to have fired from his gun. The appellant incidentally was a Gun-man of the Sub-Divisional Magistrate, Chakrata, Mussoorie.

4. Having regard to the nature of the incident and the circumstances in which the firing took place, we are of the view that the quantum of sentence, as imposed on the appellant may be reduced, while maintaining the order of conviction.

5. Accordingly, we allow the appeal in part and while maintaining the conviction of the appellant under Section 324 IPC, we reduce the sentence from two years to one year's rigorous imprisonment.

6. As far as the fine is concerned, we do not see any reason to interfere with the same.

7. The appeal is allowed to the aforesaid extent.