

**SUPREME COURT OF INDIA**

Suganlal

Vs.

State of Madhya Pradesh

CrI.A.No.1059/2011

(Kurian Joseph and S.Abdul Nazeer,JJ.,)

10.10.2018

**JUDGMENT**

**Kurian Joseph,J.,**

1. Heard learned counsel for the parties.
2. The appellant is convicted under Section 302 IPC on the evidence of PWs.1, 2, 3, 7 and 8. The fateful incident is of 08.04.1999. The victim is the real brother of the appellant.
3. Learned counsel for the appellant has taken a defence before us that the appellant was a person of unsound mind. Though such a contention was raised before the Trial Court, in the absence of any supporting evidence, the Court was not inclined to go into that aspect. The High Court has discussed their entire evidence and having regard to the nature of injuries and the evidence available on record, the Court was not inclined to take a different view from that of the Sessions Court.
4. Having heard the learned counsel on both the sides and having gone through the pleadings, we are also not inclined to take a different view.
5. We are informed that the appellant has been in jail for around 20 years and with remission much more.
6. Having regard to the fact that it is a case of a quarrel between two brothers and having regard to the fact that the appellant has, in any case, spent around 20 years of actual imprisonment, we direct the State to consider and take a decision on the premature release of the appellant.
7. Taking into account the fact that the appellant has been in jail, he is directed to be released forthwith on self bond, subject to the final orders to be passed by the State Government.

8. The appeal is disposed of as above.

9. Pending applications, if any, shall stand disposed of.