

**SUPREME COURT OF INDIA**

Iqbal

Vs.

The State of Uttar Pradesh

CrI.A.No.1280 of 2018

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

11.10.2018

**JUDGMENT**

**Kurian Joseph,J.,**

SLP(CrI.)No.8855 of 2018

1. Delay condoned.
2. Leave granted.
3. Heard the learned counsel appearing for the parties.
4. The appellant has been convicted under Sections 399 and 402 IPC read with Section 25 of the Arms Act, 1959 by the Assistant Sessions Judge, Shahjahanpur in ST No. 153 of 1984 and ST No. 154 of 1984. He was sentenced to undergo imprisonment for a period of 1 four years.
5. The conviction and sentence was confirmed by the District and Sessions Judge, Shahjahanpur. The appellant filed a Revision before the High Court. As per the impugned order dated 20.11.2014, the Revision has been dismissed. It is seen from the Judgment that none appeared on behalf of the appellant in the High Court. The appellant has given in detail the circumstances which led to the absence of his counsel before the High Court.
6. Be that as it may, the incident is of the year 1980. The appellant was a young boy at that time. Taking note of that aspect, we directed the State to ascertain the antecedents of the appellant and his conduct in jail. The Superintendent of District Jail, Shahjahanpur, has reported that his conduct has been satisfactory. In the affidavit filed on behalf of the State, it is stated that to the best of their inquiry, the appellant is not involved in any other criminal case.

7. Having regard to the entire facts and circumstances of the case, particularly taking note of the fact that the incident is of 1980, when the appellant was a young boy and that there is no other criminal case against him, we are of the view that the sentence should be limited to the period already undergone. Ordered accordingly.

8. The appeal is allowed as above. The appellant shall be released forthwith in case he is not otherwise required to be detained in any other case.