

ITEM NO.38

COURT NO.8

SECTION II-E

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No.11244/2025

[Arising out of impugned final judgment and order dated 10-10-2017 in CRA No. 1613/2005 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

SOHAN SINGH @ BABLU

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 171239/2025 - APPROPRIATE ORDERS/DIRECTIONS & IA No. 171242/2025 - EXEMPTION FROM FILING O.T.)

Date : 22-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Mahfooz Ahsan Nazki, AOR
Ms. Ayushma Awasthi, Adv.
Mr. Vivek Rajan D.b, Adv.
Mr. Hemant Gupta, Adv.

For Respondent(s) :

Ms. Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh- G.A., Adv.
Mr. Saurabh Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard the learned counsel appearing for the petitioner.
2. Exemption Application is allowed.
3. The facts of this case are quite shocking.
4. It appears that the petitioner was put to trial in the Court of Sessions Judge, Khurai, District Sagar, Madhya Pradesh for the offence punishable under Sections 376(1), 450 and 560B of the Indian Penal Code (for short, 'the IPC').

5. The Sessions Trial No.416/2004 resulted in the conviction of the petitioner and he was sentenced to undergo life imprisonment with fine of Rs.2000/-.

6. The petitioner went in appeal before the High Court. His criminal Appeal No.1613/2005 came to be allowed partly vide the Judgment and Order dated 10-10-2007 by which the High Court reduced the sentence from life imprisonment to minimum of 7 years of rigorous imprisonment.

7. The High Court while partly allowing the appeal of the petitioner - herein observed in paras 21 and 22 respectively as under:-

"21 In the present case, the prosecutrix was a married lady. There is a delay in lodging the FIR. The medical evidence has not been corroborated to the commission of offence of rape. Looking to the overall circumstances and evidence on record, in our opinion, it would be just and proper if the sentence awarded by the trial court for commission of offence punishable under section 376 of IPC be reduced to 7 years.

22. Consequently, the appeal filed by the appellant is partly allowed. His conviction for commission of offence punishable under sections 376, 450 and 506-B is hereby upheld. However, the sentence awarded by the trial court for commission of offence punishable under section 376 of IPC is modified to RI for 7 years and the sentence awarded by the trial court for other sections is hereby upheld. All the sentences shall run concurrently. The appellant shall remain in jail to serve the remaining part of his jail sentence."

8. The matter of concern is that although the High Court partly allowed the appeal by reducing the sentence of life imprisonment to 7 years of rigorous imprisonment, the petitioner came to be released from jail only on 6-6-2025.

9. We would like to know how such a serious lapse occurred and why the petitioner remained in jail for more than 8 years even after undergoing the entire sentence of seven years.

10. We want the State to offer appropriate explanation in this regard.

11. We grant two weeks' time to the State to file an appropriate reply to the aforesaid.

12. Post it on 8-9-2025 on top of the Board.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)