

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.)No(s). 3082-3083/2021

(Arising out of impugned final judgment and order dated 20-08-2020 in CRLA No. 46/2017 20-08-2020 in CRLA No. 47/2017 passed by the High Court Of Uttarakhand At Nainital)

THE STATE OF UTTARAKHAND

Petitioner(s)

VERSUS

RAMAN SINGH BISHT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.51918/2021-EXEMPTION FROM FILING O.T. )

Date : 20-10-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Jatinder Kumar Bhatia, AOR  
Mr. Ashutosh Kumar Sharma, Adv.

For Respondent(s)

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

The petitioner-State of Uttarakhand seeks to question the judgement and order dated 20.08.2020 passed by the High Court of Uttarakhand at Nainital in Criminal Appeal Nos. 46 and 47 of 2017, whereby the High Court, while maintaining conviction of the respondent-accused of offences under Sections 307/34 of the Indian Penal Code and Section 25 of the Arms Act, reduced the sentence in relation to the offence under Sections 307/34 IPC to rigorous imprisonment of four years and five months instead of seven years and also reduced the fine amount to Rs. 15,000/- instead of Rs. 20,000/-.

A perusal of the impugned judgment makes out that learned counsel for the respondent-accused did not challenge the conviction and only argued for reduction of sentence; and learned counsel for the State did not oppose such a prayer for reduction of sentence. This fact is distinctly mentioned in paragraph 10 of the impugned judgment.

It is rather disturbing to note that in such a matter, where the State's counsel before the High Court did not even oppose the prayer for reduction of sentence and the High Court made slight modification in the sentence considering the facts and circumstances of the case in totality, the State has chosen to approach this Court seeking special leave to appeal without any justification. The present petition could only be said to be a frivolous litigation by the State.

We are dismissing this petition but with a warning to the petitioner-State that any other attempt of frivolous litigation in this Court may be visited with penalization of the officers responsible for sanctioning.

With the observations foregoing, this special leave petition stands dismissed.

All the pending applications stand disposed of.

(POOJA SHARMA)  
SENIOR PERSONAL ASSISTANT

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR