

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

CRIMINAL APPEAL NO.555 OF 2009

(RAMU @ RAMSINGH VS. STATE OF M.P.)

Dated: 27/10/2022

Suo moto cognizance u/s.362 of Cr.P.C., 1973.

It is brought to the notice of this court that certain inadvertent mistake has crept in the judgment delivered by this court on 18.10.2022, wherein the word “Kind” has been used to refer to the appellant who stands convicted of rape, and it is observed as under :-

“12. In such circumstances, this Court does not find any error in appreciation of evidence by the trial Court and considering the demonic act of the appellant who appears to have no respect for the dignity of a woman and has the propensity to commit sexual offence even with a girl child aged 4 years, this Court does not find it to be a fit case where the sentence can be reduced to the sentence already undergone by him, however, considering the fact that he was kind enough to leave the prosecutrix alive, this court is of the opinion that the life imprisonment can be reduced to 20 years' rigorous imprisonment. Accordingly, the criminal appeal is partly allowed and the appellant be made to suffer the period of 20 years in accordance with law.”

(emphasis supplied)

It is apparent that the aforesaid mistake is obviously inadvertent in the context, as this court has already held the act of the appellant as demonic. In such circumstances, while exercising

our powers as conferred u/s.362 of Cr.P.C., the aforesaid para is hereby modified and replaced as under:-

“12. In such circumstances, this Court does not find any error in appreciation of evidence by the trial Court and considering the demonic act of the appellant who appears to have no respect for the dignity of a woman and has the propensity to commit sexual offence even with a girl child aged 4 years, this Court does not find it to be a fit case where the sentence can be reduced to the sentence already undergone by him, however, considering the fact that he did not cause any other physical injury to the victim, this court is of the opinion that the life imprisonment can be reduced to 20 years' rigorous imprisonment. Accordingly, the criminal appeal is partly allowed and the appellant be made to suffer the period of 20 years in accordance with law.”

(emphasis supplied)

In view of the same, para 12 the judgement dated 18.10.2022 is hereby modified/corrected to the extent as aforesaid only. Thus, para 12 of the judgment dated 18.10.2022 shall stand replaced with the aforesaid modified para 12. This order be read conjointly with the order dated 18.10.2022.

Sd/-

(SUBODH ABHYANKAR)
JUDGE

Sd/-

(SATYENDRA KUMAR SINGH)
JUDGE

krjoshi