

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.4793-4794 OF 2024
[ARISING FROM SLP(CRL.)NOS.3000-3001/2024]

SANTOSH KUMAR VISHWAKARMA APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ANR. RESPONDENT(S)

O R D E R

1. Leave granted.
2. By order dated 19.02.2024, a notice was issued limited to the question of sentence.
3. The appellant had claimed juvenility for which he had filed an application (IA No.205146/2023) under Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, for declaring the applicant as juvenile on the date of alleged occurrence. On the said application, a direction was issued to the Trial Court to make an inquiry and submit its report. After due inquiry, the report has been received. According to the report, the appellant was less than 16 years of age on the date of the incident. There is no objection to the said report of the Trial Court.

4. A perusal of the same also reflects that in the inquiry conducted by the Trial Court there was participation of the State, the complainant and the prosecutrix along with that of the accused and their statements were also recorded.

5. Learned counsel for the appellant submits that the appellant has already undergone 9 months sentence, which fact is not disputed by the learned counsel appearing for the respondent-State of Madhya Pradesh.

6. Learned counsel for the appellant has also submitted that the incident is of the year 1994, almost 30 years ago, and in the meantime the appellant as also the victim (prosecutrix) have moved on in life, and they are married and have children, who are of marriageable age now, as such, this Court may take a lenient view and reduce the sentence to the period already undergone by the appellant. It is also his case that the appellant having been declared as juvenile and maximum sentence that would warrant under the Act is only three years.

7. Considering the facts and circumstances of the case as also the period which has already

passed from the date of the incident, i.e. 30 years, while confirming the conviction, we reduce the sentence of the appellant from seven years to the period already undergone. Any fine amount imposed upon the appellant would be paid by him.

8. The appeals are partly allowed.

9. Pending applications shall stand disposed of.

....., J.
(VIKRAM NATH)

....., J.
(PRASANNA B. VARALE)

NEW DELHI;
NOVEMBER 26, 2024.

ITEM NO.15

COURT NO.6

SECTION II-A

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(s) for Special Leave to Appeal (CrI.) Nos.3000-3001/2024

[Arising out of impugned final judgment and order dated 27-04-2023 in MCRC No. 28653/2022 12-05-2022 in CRLA No. 2387/1997 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

SANTOSH KUMAR VISHWAKARMA

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No. 205146/2023 - APPLICATION U/S 7-A [9(2) old] OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, IA No. 205267/2023 - EXEMPTION FROM FILING O.T., IA No. 132062/2023 - EXEMPTION FROM FILING O.T. AND IA No. 175256/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Dushyant Parashar, AOR
Mr. Manu Parashar, Adv.
Mr. J. Prasanth, Adv.
Mr. Dinesh Pandey, Adv.

For Respondent(s) Mr. Harmeet Singh Ruprah, D.A.G.
Mr. Sunny Choudhary, AOR
Mr. Sarad Kumar Singhania, Adv.
Ms. Rashmi Singhania, Adv.

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

Leave granted.

Appeals are partly allowed in terms of the signed order.

Pending applications shall stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)