

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1655 OF 2015
(Arising out of Special Leave Petition (Crl.) No(s).9245/2013)

ALI HASAN @ MALLAH

APPELLANT(S)

VERSUS

STATE OF UTTARAKHAND

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

Heard learned counsel appearing for the appellant and learned counsel appearing for the respondent-State.

The appellant is aggrieved by the conviction under Sections 376 and 506 of the Indian Penal Code, 1860 (for short 'IPC') and sentence of ten years and one year respectively with default clause. Having regard to the facts and circumstances of the present case, We are of the considered view that hearing of the appeal be limited to quantum of sentence. Neither the Trial Court nor the High Court has given any indication for the award of ten years under Section 376 IPC. Having regard to the facts of the case, we are of view that ends of justice would be met by limiting the sentence to the prescribed minimum. Therefore, the sentence under Section 376 is modified to the prescribed minimum of seven years.

We make it clear that no other modification is made in the sentence under Section 506 or in the default clause. However, the sentences shall run concurrently.

The appeal is partly allowed as above.

.....J.
[KURIAN JOSEPH]

.....J.
[ARUN MISHRA]

NEW DELHI;
DECEMBER 08, 2015



JUDGMENT