

# VERDICTUM.IN

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 3063 /2024  
[@ SLP [CRL.] NO.698/2021]

SUNIL KUMAR

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

O R D E R

Leave granted.

Notice was issued in this matter only with respect to the sentence alone and therefore, we are not willing to go into the conviction part. Thus, the conviction is confirmed.

The appellant was convicted for offences punishable under Sections 376(2) (i), 363 and 366 of the Indian Penal Code. Accordingly, he was sentenced for life without any remission.

We have heard learned counsel for the appellant.

Despite notice and name printed on the cause list, none appears for the respondent. To facilitate

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the appearance, we also passed over the matter. However, unfortunately, even after passing over the case, there is no representation. Therefore, we are proceeding with the matter on merits.

Learned counsel appearing for the appellant submitted that the appellant was very young at the time of occurrence. He must have been between 18-20 years. Now he has undergone 12 years of incarceration. His conduct in the prison is also good. For the aforesaid purpose, learned counsel relied upon the report called from the prison authorities by this Court.

We have perused the report furnished by the Jail Authorities. The report indicates that the appellant's conduct during the period of incarceration is satisfactory.

While dealing with a criminal case, one has to see the reformative part along with the retribution.

Considering the aforesaid facts, we are of the view that no useful purpose would be served by keeping the appellant in the continued incarceration, especially when he has already undergone more than 12 years of sentence.

In such view of the matter, we are inclined to modify the sentence to 13 years as against the life imprisonment awarded.

Accordingly, the appeal is allowed in part.

.....J.  
[M.M. SUNDRESH]

.....J.  
[SATISH CHANDRA SHARMA]

NEW DELHI;  
JULY 23, 2024.

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ITEM NO.1

COURT NO.13

SECTION II

**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 (CrI.) No(s). 698/2021

(Arising out of impugned final judgment and order dated 30-07-2019 in DBCRA No. 580/2014 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

SUNIL KUMAR

Petitioner(s)

**VERSUS**

THE STATE OF RAJASTHAN

Respondent(s)

IA No. 6228/2024 - APPLICATION FOR SEEKING RELAXATION FOR  
CONDITIONS OF BAIL

Date : 23-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mrs. K. Sarada Devi, AOR  
Ms. Kaveri Kalyana Ram, Adv.  
Mr. V. Krishna Swaroop, Adv.

For Respondent(s) Mr. Chetanya Singh, Adv.  
Mr. Milind Kumar, AOR

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

Leave granted.

The Court passed the following order:

"In such view of the matter, we are inclined to modify the sentence to 13 years as against the life imprisonment awarded."

The appeal is allowed in part in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)

[Signed order is placed on the file]