

Raju Kesar Singh Rajput vs The State Of Karnataka on 6 January, 2020

Bench: Mohan M. Shantanagoudar, R. Subhash Reddy

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.03 OF 2020
(Arising out of SLP (Crl) No. 7371 of 2019)

RAJU KESAR SINGH RAJPUT & ANR.

VERSUS

THE STATE OF KARNATAKA

O R D E R

Leave granted.

Having considered the material on record and having heard learned counsel for the parties, we find that the material, in so far as the applicability of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is lacking. At the most, the accused can be convicted and sentenced under Section 323 of the Indian Penal Code.

In our considered opinion, the Trial Court as well as the High Court are not justified in convicting and sentencing the accused under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, the judgment convicting the appellants for the said offence stands set aside. However, the appellants' conviction under Section 323 of the Indian Penal Code stands confirmed.

Having heard learned counsel for both the parties on the quantum of sentence, we find that the sentence already undergone by the appellants is just and proper. Hence, they need not be incarcerated any further, for the conviction imposed by us.

The appeal is partly allowed in the aforementioned terms.

.....,J.

(Mohan M. Shantanagoudar)J.

(R. Subhash Reddy) New Delhi;

January 6, 2020 ITEM NO.40 COURT NO.13 SECTION II-C 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 (Crl.) No(s). 7371/2019
(Arising out of impugned final judgment and order dated 13-03-2019 in CRLA No. 2823/2010
passed by the High Court Of Karnataka Circuit Bench At Dharwad) RAJU KESAR SINGH RAJPUT
& ANR. Petitioner(s) VERSUS THE STATE OF KARNATAKA Respondent(s) Date : 06-01-2020
This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE MOHAN M.
SHANTANAGOUDAR HON'BLE MR. JUSTICE R. SUBHASH REDDY For Petitioner(s) Mr.
Sudhanshu S. Choudhari, AOR For Respondent(s) Mr. Shubranshu Padhi, Adv.

Mr. Ashish Yadav, Adv.

Mr. Rakshit Jain, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

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

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)