

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 647 OF 2012

NASIRKHAN MAHEMOODKHAN PATHAN . . . APPELLANT

VERSUS

STATE OF GUJARAT . . . RESPONDENT

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Judicature of Gujarat at Ahmedabad in Criminal Appeal No.956 of 2007, dated 24.8.2009. By the impugned judgment and order, the High Court has upheld the conviction and sentence passed by the Sessions Court in its judgment and order dated 14.06.2007. The Sessions Court has convicted the appellant under Sections 365, 395, 411, 412 and 120 B of the Indian Penal Code and to undergo Rigorous Imprisonment for a period of 10 years with a fine of Rs.10,000/-.

2. We are informed by the learned counsel appearing for the Respondent-State that the appellant has already undergone nearly 9 years of the sentence. In the light of the facts of the case, we are of the view that, if the sentence awarded by the sessions Court and as confirmed by the High Court is modified to the period already undergone, it would meet the ends of justice.

3. In the peculiar facts and circumstances of the case, we modify the aforesaid sentence awarded by the trial court to the period already undergone by the appellant. However, we clarify that the appellant shall pay the fine imposed by the Trial Court.

4. Accordingly, the appellant is directed to be released forthwith, if not required in any other case.

5. With this observation and direction, the appeal is disposed of.

6. Consequently, CRLMP No.5562/2012 is also disposed of.

Ordered accordingly.

NEW DELHI;
NOVEMBER 23, 2012



.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

JUDGMENT