

**ITEM NO.1502  
(For Judgment)**

**COURT NO.1**

**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**

**Criminal Appeal No.688/2011**

**SUNIL**

**Appellant(s)**

**VERSUS**

**STATE OF NCT OF DELHI**

**Respondent(s)**

**WITH CrL.A. No.689/2011 (II-C)  
CrL.A. No.785/2011 (II-C)**

**Date : 21-09-2023**      **These appeals were called on for pronouncement  
of Judgment today.**

**For Appellant(s)**      **Mr. Sudarshan Rajan, AOR  
Mr. Mahesh Kumar, Adv.  
Mr. Ramesh Rawat, Adv.  
Mr. Rohit Bhardwaj, Adv.  
Mr. Hitain Bajaj, Adv.  
Mr. Ashutosh Gupta, Adv.  
Mr. Vijay Kumar Sharma, Adv.  
Mr. Nand Ram, Adv.  
Mr. Md Qamar Ali, Adv.  
Mr. Rajeev Khurana, Adv.**

**For Respondent(s)**      **Mr. Shreekant Neelappa Terdal, AOR**

- 1 Hon'ble Mr Justice Manoj Misra pronounced the judgment of the Bench comprising Hon'ble Mr Justice Hrishikesh Roy and His Lordship.

- 2 The Criminal Appeals are disposed of in terms of the signed reportable judgment with the following directions:

“In view of our discussion above, though we find the conviction of the appellants under Section 302 read with Section 34 of the I.P.C. unsustainable, we uphold the conviction of the appellants under Section 307 read with Section 34 of the I.P.C. and hereby affirm the sentence awarded to the appellants for the offence punishable under Section 307/34 of the I.P.C. Consequently, the appeals are partly allowed. The conviction and sentence of the appellants under Section 302 read with Section 34 of the I.P.C. is set aside and the appellants are acquitted of the said charge. However, their conviction and sentence under Section 307 read with Section 34 of the I.P.C. as awarded by the trial court and affirmed by the High Court is maintained and hereby affirmed. The appellants are reported to be on bail. Their bail bonds are cancelled. They shall surrender forthwith to serve out the remaining sentence, if any, as awarded by the trial court under Section 307/34 of the I.P.C. If the appellants have already served out the sentence awarded to them under Section 307/34 I.P.C., they need not be taken into custody, after verification of the records/custody certificates.

- 3 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(Signed Reportable Judgment is placed on the file)**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**