



2025 INSC 518

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. /2025
(@SLP (CRL.) NOS. 4795-4797/2025)

SACHIN

APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA

RESPONDENT(S)

JUDGMENT

Leave granted.

We have heard learned counsel Ms. Sangeeta Kumar appearing on behalf of the Supreme Court Legal Services Committee for the appellant and Mr. Shrirang B. Varma, learned counsel for the respondent-State at length.

Operative Portion of the Judgment:

It is noted that the appellant herein while initially subjected to imprisonment of seven years has completed actual sentence of eleven years and eight months. We have found that the orders of the High Court and consequently, of the Special Court to be

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RADHA SHARMA
Date: 2025.04.21
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Reason:

erroneous and the same are liable to be set aside. In these circumstances, the impugned judgment dated 26.02.2016 and subsequent orders passed therein on 02.03.2016 as well as the order dated 08.03.2016 in Criminal Appeal No.30/2015 are set aside. Consequently, the order of the Special Court dated 28.04.2016 passed in Special(POCSO) Case No.5/2013 convicting and sentencing the appellant herein to suffer life imprisonment and to pay fine of Rs.5,000/-, in default to suffer rigorous imprisonment for six months is set aside.

Now, what follows is that the original judgment of the Special Court convicting the appellant and imposing a sentence of rigorous imprisonment for seven years survives. However, the unfortunate reality is that in view of the impugned judgment and orders, the appellant has undergone eleven years of actual sentence.

In the circumstances, we find that to do complete justice in the matter, instead of remanding the Criminal Appeal No.30/2015 on the file of the High

Court, we exercise our powers under Article 142 of the Constitution of India and restore the original sentence imposed on the appellant herein which is seven years of imprisonment. Since the appellant has completed eleven years and eight months of incarceration i.e. a sentence more than that originally imposed on him, we find that the ends of justice would be met if, instead of rehearing his appeal on the original sentence, the matter is concluded and the appellant is released from jail forthwith.

Consequently, the Criminal Appeal No.30/2015 pending on the file of the High Court of Judicature at Bombay Nagpur Bench, Nagpur is rendered infructuous and therefore, the same stands disposed of.

Ordered accordingly.

Resultantly, the respondent-State and Superintendent, Nagpur Central Jail, Maharashtra are directed to release the appellant from the jail forthwith.

The appeals are allowed and disposed of in the
aforesaid terms.

....., J.
(B.V. NAGARATHNA)

....., J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
APRIL 21, 2025

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).4795-4797/2025
[Arising out of impugned final judgment and order dated 26-02-2016
in CRLA No. 30/2015 08-03-2016 in CRLA No. 30/2015 28-04-2016 in CN
No. 05/2013 passed by the Special Judge, Warora, in Special (POCSO)
Case No.05/2013]**

SACHIN

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

**(IA No. 73732/2025 - CONDONATION OF DELAY IN FILING
IA No. 73733/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)**

Date : 21-04-2025 These matters were called on for hearing today.

CORAM :

**HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA**

For Petitioner(s) Ms. Sangeeta Kumar, AOR
Mrs. Vithika Garg, Adv.
Ms. Vidushi Garg, Adv.
Mr. Hemant Kumar Tripathi, Adv.

For Respondent(s) Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

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

Permission is granted to learned counsel for the petitioner to correct the typographical error at 'page 27' of the memorandum of Special Leave Petitions to substitute the words "Odisha", "Odisha Secretariat" and "Bhubaneswar-751001" with "Maharashtra", "CS Office Main Building, Mantralaya, 6th Floor, Madame Cama Road, Mumbai-400032". Similarly, the word "Circle Jail, Cuttack at Choudwar"

shall be substituted with "Nagpur Central Prison, Nagpur (MS) as convict prisoner No.C/8959)".

Leave granted.

The respondent-State and Superintendent, Nagpur Central Jail, Maharashtra are directed to release the appellant from jail forthwith.

Hence, operative portion of the judgment is being released today while the detailed judgment will be released shortly.

The appeals are allowed and disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS
(OPERATIVE PORTION OF THE JUDGMENT IS PLACED ON THE FILE)

(DIVYA BABBAR)
COURT MASTER (NSH)