

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 12 OF 2022
(@ SLP (CRL.) NO. 8428 OF 2018)

ARVIND @ CHHOTU THAKUR

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH

RESPONDENT(S)

O R D E R

Leave granted.

Preeti @ Mona Thakur (PW 1) filed a complaint on 27.02.2013 that her 10-year-old daughter was missing. The dead body of her daughter was found lying in the field of Rajkumar Chouksey. The dead body was sent for post-mortem to the Primary Health Centre, Amgaon. Post-mortem examination was done by Dr. Vinay Thakur (PW-18) and Dr. Rashi Patel. They found blood oozing from the vagina of the deceased and froth from her nostrils. Without giving any information relating to the cause of death, the body was sent to Medical College, Jabalpur. Dr. Ashok Najan (PW-22) conducted the post-mortem and found blood oozing from the nostrils of the deceased and also found blood in the vaginal opening. There was laceration to the hymen which was 3 cm. inside the vaginal opening and upto 1 cm. deep. Slides of the vaginal swab were prepared. The clothing worn by the deceased and samples of her hair were also collected. The cause of death was stated to be

asphyxia. Devendra Choudhary (PW-3) and Birju Thakur (PW-4) saw the appellant on the night of 26.02.2013 at 8 p.m. at the field of Rajkumar Chouksey. The appellant was behaving in a doubtful manner by trying to hide himself. Rajesh Kori (PW-5) saw the appellant going towards the field of Vishnu Kuchbandiya along with the deceased girl. Chen Singh Lodhi (PW-6) deposed in Court that the appellant confessed his guilt.

The DNA report given by the Forensic Science Laboratory showed that there was male Y chromosome STR in the vaginal swab and on the clothes of the deceased. The DNA profile obtained from the blood sample of the appellant and from the vaginal swab of the deceased was found to be the same.

The trial Court convicted the appellant under Sections 376-A, 302, 363, 201 of Indian Penal Code (IPC) and Section 6 of Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') and imposed death penalty. While answering the death reference, the High Court upheld the conviction of the appellant but converted the death sentence into life imprisonment. However, the High Court held that the imprisonment of life shall be till the natural life of the appellant.

We have heard the learned counsel appearing for the parties and examined the material on record.

Without disturbing the findings recorded by the courts below relating to the conviction of the appellant,

we are of the considered view that the life imprisonment till the natural life of the appellant should be modified to a sentence of 30 years without remission. Section 376-A IPC provides for a punishment for commission of an offence for a term which shall not be less than 20 years and which may extend to imprisonment for life.

In the facts and circumstances of this case, the appellant is convicted for offences under Sections 376-A, 302, 363, 201 IPC and Section 6 of POCSO Act and is sentenced to imprisonment for a period of 30 years. He shall not be entitled to seek remission.

In view of the aforesaid, the appeal stands disposed of. Pending application(s), if any shall also stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HRISHIKESH ROY)

NEW DELHI;
04th JANUARY, 2022

ITEM NO.17 Court 5 (Video Conferencing) SECTION II-A

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). 8428/2018

(Arising out of impugned final judgment and order dated 15-07-2014 in CRLR No. 8/2013 passed by the High Court Of M.P. Principal Seat At Jabalpur)

ARVIND @ CHHOTU THAKUR

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 128746/2018 - EXEMPTION FROM FILING O.T.)

Date : 04-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Aparna Jha, AOR
 Mr. Abhishek Yadav, Adv.

For Respondent(s) Mr. Pashupathi Nath Razdan, AOR
 Mr. Nirmal Kumar Ambastha, Adv.
 Ms. Sneh Bairwa, Adv.
 Mr. Prakhar Srivastav, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed order. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)