

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.964 OF 2021  
(@ SLP (CRL.) NO.800/2017)

ABDUL RAHEMAN @ SHAMI AHMED SHAH @ BABU  
@ ABDULLA @ AJMAL KATAK @ ABU MAHIMOOD APPELLANT(S)

VERSUS

THE STATE OF KARNATAKA RESPONDENT(S)

O R D E R

Leave granted.

The appellant was convicted by the Trial Court for offences punishable under Sections 121,122, 124-A of IPC and sentenced to undergo life imprisonment with fine of Rs. 25,000/-. Further, the appellant was convicted under Section 25 of the Arms Act, 1959 and sentenced to five years with fine of Rs.25,000/- He was also convicted under Section 4 of the Explosives Act and sentenced to life imprisonment with fine of Rs.25,000/- and under Section 5 of the Explosive Substances Act and sentenced to life imprisonment with fine of Rs.25,000/-.

The High Court partly allowed the appeal filed by the appellant and acquitted him under Sections 121, 122 and 124-A IPC. However, the High Court upheld the conviction and sentence under Section 25 of the Arms Act and Section 4 of the Explosives Act and Section 5 of the Explosives Substances Act.

Notice was issued by this Court confined to sentence.

We are informed that the appellant has undergone sentence of more than 15 years. Having considered the material on record and after hearing Mr. Sidharth Dave, learned senior counsel appearing for the appellant and Mr. Shubhranshu Padhi, learned counsel appearing for the State of Karnataka, we are of the considered view that the sentence should be converted to the period already undergone. Ordered accordingly.

The conviction of the appellant under Section 25 of the Arms Act, Section 4 of the Explosives Act and Section 5 of the Explosives Substances Act is upheld.

The appellant is, accordingly, directed to be released forthwith.

The Criminal Appeal is disposed of accordingly. Pending application(s), if any, shall also stand disposed of.

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

..... J.  
( B.R. GAVAI )

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

ITEM NO.6 Court 5 (Video Conferencing) 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 (CrI.) No(s). 800/2017

(Arising out of impugned final judgment and order dated 20-07-2016 in CRLA No. 3645/2010 passed by the High Court Of Karnataka At Kalaburagi)

ABDUL RAHEMAN @ SHAMI AHMED SHAH @ BABU  
@ ABDULLA @ AJMAL KATAK @ ABU MAHIMOOD Petitioner(s)

VERSUS

THE STATE OF KARNATAKA Respondent(s)

( IA No. 31310/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Sidharth Dave, Sr. Adv.  
Mr. Farrukh Rasheed, AOR

For Respondent(s) Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Rakshit Jain, Adv  
Mr. Vishal Banshal, Adv

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

Leave granted.

The Criminal Appeal is 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)