[2025] 4 S.C.R. 2497 : 2025 INSC 518

Sachin
v.
The State of Maharashtra

(Criminal Appeal No(s). 2073-2075 of 2025)

21 April 2025

[B.V. Nagarathna and
Satish Chandra Sharma, JJ.]

Issue for Consideration

Whether it is a fit case to use the power under Article 142 to do complete justice.

Headnotes†

Criminal Procedure Code, 1973 – Whether the accused has undergone the imprisonment more than the period which he was originally subjected by the Trial Court:

Held: The Court found that the orders of the High Court and consequently, of the Special Court to be erroneous and the same are liable to be set aside – In these circumstances, the impugned judgment is set aside – Consequently, the order of the Special Court (POCSO) convicting and sentencing the appellant herein to suffer life imprisonment and to pay fine of Rs.5,000/-, is set aside – The original judgment of the Special Court convicting the appellant and imposing a sentence of rigorous imprisonment for seven years survives – The appellant herein while initially subjected to imprisonment of seven years has completed actual sentence of eleven years and eight months – Since the appellant has completed eleven years and eight months of incarceration i.e. a sentence more than that originally imposed on him – 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 – The matter is concluded and the appellant is released from jail forthwith.

List of Acts

Penal Code, 1860; Code of Criminal Procedure, 1973.

List of Keywords

Life imprisonment; Fine; Complete Justice; Infructuous; Rigorous imprisonment; Special Court; POCSO; Incarceration; Remand; Sentence of imprisonment; Eleven years; Article 142; Complete justice; Supreme Court Legal Services Committee.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No(s). 2073-2075 of 2025

From the Judgment and Order dated 26.02.2016 in CRLA No. 30 of 2015, 08.03.2016 in CRLA No. 30 of 2015 and 28.04.2016 in CN No. 05 of 2013 passed by the Special Judge, Warora, in Special (POCSO) Case No. 05 of 2013

Appearances for Parties

Advs. for the Appellant:
Ms. Sangeeta Kumar, Mrs. Vithika Garg, Ms. Vidushi Garg, Hemant Kumar Tripathi.

Advs. for the Respondent:
Shrirang B. Varma, Siddharth Dharmadhikari, Aaditya Aniruddha Pande.

Judgment / Order of the Supreme Court

Judgment

1. Leave granted.

2. 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:

3. 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 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.

4. 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.

5. 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.

6. 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.

7. Ordered accordingly.

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

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

Result of the case: Appeals Allowed.

[†]*Headnotes prepared by:* Gaurav Updadhyay, Hony. Associate Editor
(*Verified by:* Abhinav Mukerji, Sr. Adv.)