

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.359 OF 2020
(@ out of SLP (Cr1.) No.5833/2019)

L DILIP KUMAR

Appellant(s)

VERSUS

THE STATE BY INSPECTOR OF POLICE

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of the judgment and order dated 30-01-2019 passed by the High Court Of Judicature at Madras in CRLRC No. 1159/2011.

In C.C.No.89 of 2003 on the file of Judicial Magistrate, Alandur, the appellant was tried for having committed offences punishable under Sections 420 and 468 IPC.

The Judicial Magistrate, Alandur by judgment and order dated 26.10.2006 found the appellant guilty and sentenced him to suffer 3 years rigorous imprisonment on both counts and also directed the appellant to pay Rs.7.8 lakhs by way of fine. Said Judgment of conviction and sentence was challenged in Criminal Appeal No. 170/2006 before the District and Sessions Judge, Fast Track Court No.1, Chengalpattu, which affirmed the order of conviction and sentence.

Being aggrieved, the appellant filed Cr1. R.C. No.1159 of 2011 which was dismissed by the High Court by its judgment and order presently under appeal.

It is a matter of record that the appellant had surrendered in October, 2019 and has thus completed about four months of actual imprisonment.

The record also indicates that the appellant had undergone bye-pass surgery in the year, 2010. The learned counsel for the appellant submits that just three days back, a surgical procedure was undertaken on the appellant in the Government Hospital.

Considering all the facts and circumstances of the case and particularly, the fact that appellant had deposited the fine amount of Rs. 7.8 lakhs, in our view, ends of justice would be met if while retaining the order of conviction passed by the Courts below, the substantive sentence is reduced to the one already undergone while retaining the order of payment of fine.

We order accordingly. The substantive sentence now stands reduced to the sentence already undergone as stated above.

With the aforesaid modification, the appeal is allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi
February 28, 2020.

