

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.853 OF 2020
(Arising out of SLP (Criminal) No.6466 of 2020
Arising out of Diary No.18013 of 2020)

UDAYAKUMAR

Appellant

VERSUS

STATE OF KERALA & ANR.

Respondents

O R D E R

Delay condoned.

Leave granted.

This appeal challenges the order dated 25.03.2014 passed by the High Court of Kerala at Ernakulam in Criminal Revision Petition No.780 of 2003.

The appellant is the original first accused in CC No.156 of 1997 on the file of the Judicial Magistrate First Class, Malappuram, Kerala. He was convicted for the offence punishable under Section 498-A IPC and sentenced to suffer rigorous imprisonment for two years. The appeal arising therefrom having been dismissed, the aforesaid revision petition was preferred in the High Court.

The High Court vide its judgment and order presently under challenge affirmed the conviction but reduced the substantive sentence to imprisonment for six months.

While issuing notice in the matter, this Court directed the appellant to deposit a sum of Rs.2.5 Lakhs in the Registry of this Court, to see if the original complainant Pottayil Radha d/o Ramakrishnan could be sufficiently compensated. The original complainant was directed to be made party to the proceedings and notice was also issued to her.

According to the office report, the sum of Rs.2.5 Lakhs has been deposited in the Registry of this Court and notice has also been served upon the original complainant. However, she has chosen not to enter appearance in this Court.

Having gone through the entirety of the matter, in our view, the ends of justice would be met if the decision of the High Court is modified to the extent indicated below:

- a. While maintaining the order of conviction passed against the appellant under Section 498-A IPC, the substantive sentence is reduced to a Day, that is to say, till rising of the Court;
- b. In addition to the aforesaid substantive sentence, the appellant shall be liable to pay fine in the sum of Rs.2.5 Lakhs.

The money deposited in the Registry of this Court shall be taken to be sufficient compliance of the requirement to pay fine.

- c. The Registry of this Court shall transmit the sum of Rs.2.5 Lakhs to the office of the Trial Court along with interest, if any, accrued thereon.

- d. The Trial Court shall make over the sum so transmitted to the original complainant after sufficient proof of identity of the complainant is furnished to the Court. To facilitate the exercise, appropriate notice shall immediately be issued to her.
- e. The appellant shall present himself before the Trial Court on 04.01.2021 and shall undergo the substantive sentence as indicated hereinabove; and
- f. The Trial Court shall after the money is disbursed to the original complainant, send the Compliance Report to this Court.

Ordered accordingly.

With the aforesaid directions, this appeal is disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
DECEMBER 14, 2020.

