

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2002 OF 2017

(Arising out of SLP (Crl.) No. 8747 of 2017)

AUGUSTHY @ AUGUSTHY KUNJU

Appellant

VERSUS

THE STATE OF KERALA

Respondent

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was convicted under Section 8(1) and (2) of the Kerala Abkari Act and was sentence to undergo Rigorous Imprisonment for a period of two years which sentence was reduced by the High Court to nine months Rigorous Imprisonment. The trial Court also imposed a fine of Rs.1 lakh and in default of the payment of fine to undergo Rigorous Imprisonment for a further period of six months which sentence was also reduced by the High Court to two months Rigorous Imprisonment.

Notice was issued in the instant matter limited to the quantum of sentence.

The appellant has already undergone four months of the nine months Rigorous Imprisonment awarded by the High Court. In the facts and circumstances of the case, we are of the view that the sentence can be reduced to the sentence

already undergone. Ordered accordingly.

However, the fine of Rs.1 lakh as imposed by the trial Court shall be paid by the appellant and as ordered by the High Court, in default of payment of fine amount, the sentence shall be two months Rigorous Imprisonment.

The appeal stands disposed of.

....., J.
[A.K. SIKRI]

....., J.
[ASHOK BHUSHAN]

New Delhi;
November 20, 2017.

ITEM NO.8

COURT NO.6

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 8747/2017

(Arising out of impugned final judgment and order dated 01-03-2017
in CRLA No. 63/2012 passed by the High Court of Kerala at
Ernakulam)

AUGHUSTHY @AUGHUSTHY KUNJU

Petitioner(s)

VERSUS

THE STATE OF KERALA

Respondent(s)

Date : 20-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Bobby Augustine, Adv.
Ms. Reshmi Rea Sinha, AOR

For Respondent(s)

Mr. C. K. Sasi, 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.

(NIDHI AHUJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

[Signed order is placed on the file.]