

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1810 OF 2017  
(Arising out of SLP(Cr1)No.9617/2015)

HOLEYAPPA AND ORS. APPELLANT(S)

VERSUS

PATEL GANAPATHI AND ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal arises out of cross cases. The appellant Holeyappa and others had been convicted under Section 324, 326, 506 read with Section 34 of the Indian Penal Code in respect of an incident where the respondents-complainants Patel Ganapathi and his companions were injured. One of the respondents suffered an injury in the skull.
3. The appellants had prosecuted the respondents, who were accused in the connected case for the injuries caused by them. They had been convicted and had

already undergone the sentence awarded to them. They had already undergone the sentence awarded to them.

4. In the present appeal, vide order dated 07.12.2015, the appellants who were accused and convicted for having caused injury to the respondents had been directed to deposit an amount of Rs.1,00,000/- (Rupees One lakh) before the High Court. Subject to such deposit notice was issued and order dated 02.11.2015 granting exemption from surrendering was directed to be continued.

5. The incident was of the year 2006. The parties who were related to each other had resumed normal life. The incident was a fight between two groups which resulted in injuries to both sides. Having regard to the incident as deposed to by the witnesses,

it is difficult to attribute the specific intention to cause a particular injury.

6. In the circumstances, we consider it appropriate to set aside the sentence of imprisonment awarded to the appellants. The amount of Rs.1,00,000/- (Rupees One lakh) deposited by the appellants before the High Court pursuant to order dated 07.12.2015 shall be paid over to the respondents.

7. The appeal is disposed of in above terms.

.....J.  
[ S.A. BOBDE ]

.....J.  
[L. NAGESWARA RAO ]

NEW DELHI,  
OCTOBER 24, 2017.

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(s). 9617/2015

(Arising out of impugned final judgment and order dated 16-07-2015  
in CRLA No. 732/2010 passed by the High Court Of Karnataka At  
Bangalore)

HOLEYAPPA &amp; ORS.

Petitioner(s)

VERSUS

PATEL GANAPATHI &amp; ORS.

Respondent(s)

WITH

SLP(Crl) No. 802/2016 (II-C)

(With appln.(s) for exemption from filing O.T.)

Date : 24-10-2017 These petitions were called on for  
hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr.S.N. Bhat, AOR

For Respondent(s) Mr.P.R. Ramasesh, AOR

UPON hearing the counsel the Court made the following  
O R D E RSLP(Crl.) 9617/2015

Leave granted.

The appeal is disposed of in terms of the  
signed order.SLP(Crl) No. 802/2016

The special leave petition is dismissed.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.[ Indu Kumari Pokhriyal ]  
Branch Officer

[ Signed order is placed on the file ]