

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).643 OF 2019
(Arising out of Special Leave Petition (Crl.)No.832/2019)

UMESH & ORS.

Appellant(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

O R D E R

Leave granted.

According to the prosecution, the accused entered into the house of P.W-1 Narsamma and dragged her outside the house and pushed her on a stone. She sustained injury on her waist and at the back of her head. Dr.Gangadhar, P.W-8 examined the complainant Narsamma and found a swelling wound on her neck which he certified as a simple injury. P.W-1 deposed before the Court that in view of a dispute pertaining to the appointment of a priest in a temple, the accused attacked her and caused injuries to her. P.W-2 corroborated the evidence of P.W-1.

The Trial Court convicted the accused under Sections 143,147,149,323,354,448,501 and 506 of IPC. The sentences imposed under various sections

mentioned above were to run consecutively. The cumulative period of sentence imposed on the accused is that A-1 had to undergo imprisonment of 16 months, A-2 to undergo imprisonment for 15 months, A-3 to undergo imprisonment for 13 months, A-4 to undergo imprisonment for 13 months and A-5 to undergo simple imprisonment for 9 months. The conviction and sentence imposed by the Trial Court was affirmed by the High Court.

Having gone through the material on record, and after hearing the learned counsel for the parties, and taking into account the background in which the offence was committed and the nature of the injuries suffered by PW-1, we are in agreement with the conviction ordered by the Trial Court under various offences and are of the opinion that it does not require any interference at our hands. In so far as A-3 to A-5 are concerned, the evidence does not disclose any overt act attributed to them except for their pulling the hair of the complainant and threatening her.

On an overall consideration of the matter, we are convinced that the conviction of A-3 to A-5 shall be maintained but the sentence imposed is modified to payment of fine. The conviction of A-1 and A-2 is upheld but the sentence is converted to period already undergone. We are informed that they

have undergone six months sentence. They are liable to pay a fine of Rs.10,000/- each to the complainant.

Maintaining the conviction order passed by the Trial Court, as affirmed by the High Court, the sentences shall stand varied/modified as mentioned above. In case, A-3 to A-5 fail to pay the amount of fine to the complainant within a period of four weeks from today, they shall undergo a sentence of imprisonment for three months. A-1 and A-2 are reported to be in jail. They are directed to be released as they have already undergone the sentence, in case they are not required in any other case.

The appeal is accordingly, disposed of. Pending application(s), if any, stand disposed of.

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

.....J.
[M.R.SHAH]

New Delhi;
9th April,2019.

ITEM NO.10

COURT NO.13

SECTION II-C

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).832/2019

(Arising out of impugned final judgment and order dated 14-08-2018 in CRLRP No.794/2018 passed by the High Court Of Karnataka At Bengaluru)

UMESH & ORS.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

Date : 09-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Anil Kumar Mishra-I, AOR
Mr. P.Kishore, Adv.

For Respondent(s) Mr. V. N. Raghupathy, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

A-1 - Umesh, A-2 Santhosh, both Sons of Shivananjappa are reported to be in jail. They are directed to be released as they have already undergone the sentence in case they are not required in any other case.

The appeal is, accordingly, disposed of in terms of the signed order.

(B.Parvathi)

Court Master

(Signed order is placed on the file)

(Kailash Chander)

Assistant Registrar