

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). 420/2020**

**K. SRINIVASAN**

**APPELLANT(S)**

**VERSUS**

**L. RANGANAYAGI & ANR.**

**RESPONDENT(S)**

**O R D E R**

1. The appeal has been filed against the order passed by the High Court, in the revision by which the conviction rendered by the Court of Sessions was confirmed without going into the merits of the case. It is to be noted that the Trial Court acquitted the appellant and accused persons, which was reversed by the Court of Sessions subsequently.
2. Learned counsel appearing for the appellant submitted that instead of filing a revision which was subsequently dismissed by the High Court, the appellant ought to have filed an appeal. In any case, the jurisdictional Court was the High Court and, therefore, it should have entertained the matter on

its own merit. It is further submitted that the Court of Sessions has committed an error in reversing the order of acquittal granted by the Trial Court, especially, when the presumption of innocence available to the accused gets strengthened in the present case.

3. Learned counsel appearing for the complainant submitted that the Court of Sessions has re-appreciated the evidence and rightly arrived at a conclusion, which was subsequently confirmed by the High Court. In such view of the matter, no interference is called for.
4. Though it is a case where the matter can be remitted to the High Court for the purpose of treating the revision as an appeal to be heard again, we are not inclined to do so. The First Information Report was filed in the year 2007 and thereafter, much water has flown under the bridge. We are dealing with a case where the Trial Court, after examining the witnesses in person, was pleased to render an acquittal.
5. In such view of the matter, taking into consideration the facts and circumstances of the case, while upholding the conviction, we are inclined to modify the sentence to the period already undergone.

6. The appeal is accordingly allowed in part.

7. Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
25<sup>th</sup> JULY, 2024

ITEM NO.104

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

Criminal Appeal No(s). 420/2020

K. SRINIVASAN

Appellant(s)

VERSUS

L. RANGANAYAGI &amp; ANR.

Respondent(s)

(IA No. 52069/2020 - APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS, IA No. 193053/2019 - EXEMPTION FROM FILING O.T.)

Date : 25-07-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. M.P. Parthiban, AOR  
Ms. Priyaranjani Nagamuthu, Adv.  
Mr. R. Sudhakaran, Adv.  
Mr. Bilal Mansoor, Adv.  
Ms. Shreyas Kaushal, Adv.  
Mr. S. Geyolin Selvam, Adv.  
Mr. Alagiri K, Adv.

For Respondent(s) Mr. Rao Ranjit, AOR  
  
Mr. D. Kumanan, AOR  
Ms. Deepa S., Adv.  
Mr. Sheikh F Kalia, Adv.  
Mr. Chinmay Anand Panigrahi, Adv.  
Mr. Veshal Tyagi, Adv.

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

The appeal is allowed in part in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(Signed order is placed on the file)