

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMIAL APPEAL NO. 881 OF 2020
(@ out SLP(CRL.) No. 11738/2019

GOPI

APPELLANT(S)

VERSUS

STATE OF KERALA

RESPONDENT(S)

ORDER

Leave granted.

This appeal challenges the judgment and order dated 16-10-2019 passed by the High Court off Kerala at Ernakulam in CRLA No. 889/2006.

The appellant was convicted by the Trial Court and sentenced to suffer imprisonment for one year with imposition of fine in the sum of Rs.1 lakh for the offences punishable under Section 55(A) and 8(2) of the Akbari Act (01 of 1077).

Section 8 of said Act reads as under:

“8. Prohibition of manufacture, import, export, transport, transit, possession, storage, sales, etc., of arrack.-
(1) No person shall manufacture, import export[without permit transit] possess, store, distribute, bottle or sell arrack in any form.

(2) If any person contravenes any provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to ten years and with fine which shall not be less than one lakh.”

The conviction and sentence ordered by the Trial Court having been affirmed by the High Court, the present appeal has been preferred.

While issuing notice, the appellant was directed to deposit a sum of Rs. 1 lakh in the Registry of this Court. Said direction has been complied with.

It is a matter of record that during trial the appellant had undergone 19 days of custody. The appellant is presently aged about 65 years and is having certain medical ailments.

Having considered the entirety of the matter, in our view, ends of justice will be met if:-

(a) While maintaining his conviction, we direct that the substantive sentence shall stand reduced to the sentence already undergone by the appellant.

(b) The amount of fine is also maintained at Rs. 1 lakh as ordered.

The amount deposited in this Registry shall be transmitted to the Trial Court alongwith interest accrued thereon, if any.

Ordered accordingly.

The appeal is allowed to the aforesaid extent.

Pending applications, if any, also stand disposed of.

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

.....J.
[VINEET SARAN]

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

New Delhi,
December 16, 2020

