

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 223 OF 2020
(Arising out of SLP (CrI) No. 2431 of 2019)

K JAYASEELAN & ANR.

... Appellant(s)

VERSUS

STATE REPRESENTED BY THE INSPECTOR OF POLICE

... Respondent(s)

O R D E R

Leave granted.

Mr. S. Nagamuthu, learned senior counsel appearing for the appellants, apart from arguing the matter on merits, also submitted that the period already undergone by the appellants in jail would be a sufficient sentence under the facts and circumstances of the case. He further brings to the notice of this Court that the appellants have already suffered imprisonment for more than one year.

Mr. M. Yogesh Kanna, learned counsel appearing for the State does not dispute the fact that the appellants have already undergone imprisonment for one year.

In our considered opinion, the High Court was justified in convicting the appellant. But, we find that the sentence imposed is on the higher side.

We find that the first appellant is physically challenged

(specially abled). Be that as it may, having regard to the material on record, in our considered opinion, the sentence undergone by the appellants is just and proper to be imposed on them. Accordingly, the impugned judgment passed by the High Court imposing sentence of three years is modified and it is reduced to imprisonment for one year. The sentence of fine imposed by the High Court continues to remain. The sentence is modified to the said effect.

The appeal is disposed of.

Since the appellants have already undergone sentence of more than one year, they shall not be taken into custody any further. If they are in custody, they shall be released, if they are not required in any other case. The amount of fine shall be paid within three weeks, if not already paid. The appellants shall be released from custody only after payment of the amount of fine.

....., J.
(Mohan M. Shantanagoundar)

....., J.
(R. Subhash Reddy)

New Delhi;
February 04, 2020.

ITEM NO.25

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). 2431/2019
(Arising out of impugned final judgment and order dated 22-01-2019
in CRLAMD No. 115/2012 passed by the High Court Of Judicature At
Madras At Madurai)

K JAYASEELAN & ANR.

Petitioner(s)

VERSUS

STATE REPRESENTED BY THE INSPECTOR OF POLICE

Respondent(s)

(IA No.42304/2019-EXEMPTION FROM FILING O.T.)

Date : 04-02-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.
Mr. M.P. Parthiban, AOR
Mr. A.s. Vairawan, Adv.
Mr. R. Sudhakaran, Adv.
Mr. Hardik Gautam, Adv.
Ms. Shalini Mishra, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, AOR
Mr. S. Rajarajeshwaran, Adv.
Ms. Uma Prasuna Bachl, Adv.

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

Leave granted.

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

Since the appellants have already undergone sentence of more than one year, they shall not be taken into custody any further. If they are in custody, they shall be released, if they are not required in any other case. The amount of fine shall be paid within three weeks, if not already paid. The appellants shall be released from custody only after payment of the amount of fine.

(GULSHAN KUMAR ARORA)
AR-cum-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)