

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 689 OF 2002

ESHWARAPPA & ORS.

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for permission to place addl. documents on record)

Date: 26/03/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s)

Mr. Shanth Kr. V. Mahale, Adv.  
Ms. Harisha S.R.Hebbar, Adv.  
Mr. Rajesh Mahale,Adv.

For Respondent(s)

Mr. Sanjay R. Hegde,Adv.  
Mr. A. Rohen Singh, Adv.  
Mr. Nishant Mishra, Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the parties.

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

The conviction of the appellants is upheld and appellants are  
sentenced to the period already undergone by each one of them. The  
appellants are on bail. Their bail bonds shall stand discharged.

(Ajay Kr. Jain)  
Court Master

(Indu Satija)  
Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 689 OF 2002

Eshwarappa & Ors.

.... Appellants

Versus

State of Karnataka

.... Respondent

ORDER

Heard learned counsel for the parties.

The present appeal is directed against the judgment of the High Court of Karnataka dated 21.9.2001 whereby the High Court allowed Criminal Appeal No. 663/1996 filed by the State of Karnataka against the judgment of acquittal of the appellants herein (respondents before the High Court). By the impugned judgment the appellants have been convicted for offences punishable under Sections 143, 447 read with Section 149 IPC, 323 read with Section 149 IPC and Section 325 read with Section 149 IPC and sentenced to undergo RI of three months under Section 143 IPC and RI of three months and a fine of Rs. 300/- on each under Section 447 read with Section 149 IPC. In default of payment of such fine, they were directed to undergo further imprisonment for a period of one month. In so far as the offence under Section 323 read with Section 149 IPC is concerned, the appellants were sentenced to imprisonment for a period of six months each and for the offence under Section 325 read with Section 149 IPC each of the appellant was directed to undergo RI for two years with a fine of Rs.1000/- on each of them. The fine amount collected was directed to be paid to the family of the deceased Basappa. In default of payment of fine amount, the appellants were directed to undergo further RI for a period of six months.

Having perused the judgment and considering the facts and circumstances of the case, while upholding the conviction of the appellants under Sections 143, 447 read with Section 149 IPC, 323 read with Section 149 IPC and Section 325 read with Section 149 IPC, we sentence the appellants to the period already undergone by each one of them. The appeal is, accordingly, partly allowed.

The appellants were directed to be released on bail by this Court vide order dated 22.04.2002. Their bail bonds shall stand discharged.

(MARKANDEY KATJU) .....

(B. SUDERSHAN REDDY) .....

New Delhi  
March 26, 2009