

®

SLP(Crl.)No. 1624 OF 2003

ITEM No.36

Court No.10

SECTION IIA  
A/N MATTER

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. 1624/2003

(From the judgement and order dated 19/12/2002 in CRLRA 533/02  
of The HIGH COURT OF BOMBAY)

GIRISH RAM TRIPATHI

Petitioner (s)

VERSUS

ASST. COMMNR. OF CUSTOMS & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned  
Judgment and stay and bail)

(With Office Report)

Date : 24/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr.Sushil Karanjkar,Adv.  
Mr.Venkateswara Rao Anumolu,Adv.

For Respondent (s) Mr.R.N.Trivedi,ASG.  
Mr.Sanjiv Sen,Adv.  
Mr. B.Krishna Prasad,Adv.

Mr.S.S.Shinde,Adv.  
Mr.Ravindra K.Adsure,Adv.

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

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

(Suraj Prakash)  
COURT MASTER AR-cum-PS

(N.K.Gandhi)

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1421 OF 2003  
[Arising out of SLP(Crl.No.1624/2003)]

GIRISH RAM TRIPATHI                      ...APPELLANT (S)

VERSUS

ASST.COMMNR.OFCUSTOMS & ORS.    ...RESPONDENT(S)  
O R D E R

Leave granted.

Heard the learned counsel for both the sides.

The appellant was convicted under Section 135(1)(ii) of the Customs Act, 1962 and sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.10,000/- and in default to suffer simple imprisonment for three months. The High Court enhanced the fine from Rs.10,000/- to Rs.1 lakh, but reduced the sentence from two years to six months rigorous imprisonment.

We are told that the appellant has already undergone a period of four months. Having regard to the facts and circumstances of the case, we direct that the period already undergone by the appellant will be sufficient to meet the ends of justice. As regards the fine of Rs.1,00,000/- we reduce it to Rs.50,000/-, in default, he will have to suffer rigorous imprisonment for a period of two months.

The appeal is disposed of accordingly.

.....J.  
[K.G.Balakrishnan]

.....J.  
[B.N.Srikrishna]

New Delhi,  
November 24, 2003.