

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.783 OF 1999

KEMPEGOWDA

... APPELLANT

VERSUS

STATE OF KARNATAKA

... RESPONDENT

O R D E R

Heard the learned counsel for both the sides. The appellant was convicted by the High Court and sentenced to two years' R.I. with a fine of Rs.5,000/-. Aggrieved thereby the present appeal has been preferred by special leave.

On 17.3.1999 this Court issued notice limited to the question of sentence only.

Learned counsel for the appellant contended that the incident had taken place on

6.11.1992. The disputing parties were the neighbours. The appellant has undergone eight

months' R.I. Learned counsel for the appellant therefore contended that in view of the

facts and circumstances as recited above and for maintaining the good and harmonious

relationship between the neighbours this Court may convict the appellant to the sentence

already undergone by him. In our view, this is a good reason for considering the question

of sentence. While maintaining the conviction we direct that the sentence is reduced to the

period already undergone by the appellant. The appellant is on bail, his ba

il bond and

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surety shall stand discharged. The imposition of the fine shall, however, be maintained.

With the aforesaid direction, the appeal is disposed of.

.....J.

(H.K. SEMA)

.....J.

(TARUN CHATTERJEE)

NEW DELHI,

OCTOBER 05, 2005.

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ITEM NO.108

COURT NO.10

SECTION II

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 783 OF 1999

KEMPEGOWDA

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

Date: 05/10/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. G.V. Chandrashekhar, Adv.

Mr. P.P. Singh, Adv.

For Respondent(s)

Mr. Sanjay R. Hegde, Adv.

Mr. A. Rohen Singh, Adv.

Mr. Amil K. Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for both the sides.

While maintaining the conviction we direct that the sentence is reduced to the period already undergone by the appellant. The appellant is on bail, his bail bond and surety shall stand discharged. The imposition of the fine shall, however, be maintained.

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

(PAWAN KUMAR)

(PREM PRAKASH)

COURT MASTER

COURT MASTER