

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). 421 OF 2000

CHILIPICHETTY RAMULU

Appellant (s)

VERSUS

STATE OF A.P.

Respondent(s)

(With office report)

Date: 23/02/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Ms. Pooja N Gupta, Adv.

Ms. Bina Madhavan, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

For Respondent(s)

Mr. P Vinay Kumar, Adv.

Ms. Sneha Bhaskaran, Adv.

Mrs.D. Bharathi Reddy, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed in part and while upholding the conviction of the appellant, the sentence of imprisonment awarded against him is reduced to the period already undergone.

[Charanjeet Kaur]

[Om Prakas

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Court Master

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[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 421 OF 2000

Chilipichetty Ramulu

.. Appellant(s)

Versus

State of A.P.

.. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The sole appellant was convicted by the trial Court under Section 306 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 1,000/-, in default, to undergo further imprisonment for a period of three months. On appeal being preferred, the Sessions Court confirmed the conviction and sentence awarded against the appellant. When the matter was taken to the High Court in revision, the conviction has been confirmed but the sentence of imprisonment has been reduced from three years to two years. Hence, this appeal by special leave.

Learned counsel appearing on behalf of the appellant first

tried to persuade us that the present case is a case of acquittal but

having gone through the records, we are of the view

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that the High Court has confirmed the conviction of the appellant upon consideration of evidence and it is not possible to interfere with

the same. Learned counsel next contended that the appellant has

remained in custody for more than a year, as such the sentence of imprisonment awarded against him should be reduced to the period

already undergone, especially when he is having a small motherless

child. In the facts and circumstances of the case, we are of the view

that ends of justice would be met in case the sentence of

imprisonment awarded against the appellant is reduced to the period

already undergone.

The appeal is, accordingly, allowed in part and while

upholding the conviction of the appellant, the sentence of

imprisonment awarded against him is reduced to the period already

undergone.

.....J

[B.N. AGRAWAL]

.....J

[A.K. MATHUR]

.....J

[DALVEER BHANDARI]

NEW DELHI ,

FEBRUARY 23 , 2006 .