

&

OUT TODAY

ITEM NO.44

COURT NO.3

SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1578/2006

(From the judgement and order dated 30/06/2005 in CRLRP No.693/2002

of The HIGH COURT OF KARNATAKA AT BANGALORE)

MURALI B. BALAKRISHNA

Petitioner(s)

VERSUS

STATE BY P.S.I. RAILWAY P.S. GADAG

Respondent(s)

(With appln(s) for suspension of sentence, bail and office report)

Date: 12/05/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. R.S. Hegde,Adv.

Mr. Chandra Prakash,Adv.

Mr. Rahul Tyagi,Adv.

Ms. Savitri Pandey,Adv.

Mr. T. Prakash,Adv.

Mr. P.P. Singh,Adv.

For Respondent(s)

Mr. Sanjay R. Hegde,Adv.

Mr. Anil K. Mishra,Adv.

Mr. A. Rohen Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed in-part and while upholding the conviction, the sentence of imprisonment awarded against the appellant is reduced to the period already undergone. The appellant, who is in custody, is directed to be released forthwith, if not required in connection with any other case.

[Alka Dudeja]

Court Master

[Khushi Ram]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 642 OF 2006

(ARISING OUT OF S.L.P.(CRIMINAL) NO. 1578 OF 2006)

Murali B. Balakrishna

...Appellant(s)

Versus

State by P.W.I. Railway Police Station, Gadag

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The trial court convicted the appellant under Section 304A of the Indian Penal Code [for short, 'I.P.C.'] and Section 175 of the Indian Railways Act and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of Rs.500/-; in default to undergo further imprisonment for a period of 45 days. He was also convicted under Sections 337 and 338 I.P.C. and sentenced to undergo simple imprisonment for one month and two months respectively. The conviction has been upheld in appeal as well as in revision. Hence, this appeal by special leave.

....2/-

- 2 -

It has been stated that the appellant has remained in custody for a period of about 45 days. We are of the view that ends of justice would be met in case sentence of imprisonment awarded against the appellant is reduced to the period already undergone.

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

The appellant, who is in custody, is directed to be released
forthwith, if not required in connection with any other case.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

May 12, 2006.