

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). 135-136 OF 2004

GOVINDASWAMY

Appellant (s)

VERSUS

STATE REP.BY R.D.O. & ANR.

Respondent(s)

(With office report )

Date: 08/02/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Ms. V. Mohana,Adv.

For Respondent(s)

Mr. S. Thananjayan,Adv.

Mr. Vipin Nair,Adv.

Mr. P.B.Suresh,Adv.

Mr. Vivek Sharma,Adv.for

M/S. Temple Law Firm.

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

The appeals are disposed of.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NOS. 135-136 OF 2004

GOVINDASWAMY

.. APPELLANT(S)

vs.

STATE REP. BY R.D.O. & ANR.

.. RESPONDENT(S)

O R D E R

The facts need not be gone into in view of the limited prayer which has been made by the larned counsel for the appellant.

The prosecution was initiated against the appellant herein and four others for offences punishable under

Section 376(2g) and some other provisions of the IPC. The Trial Court on conviction awarded a sentence of eight years rigorous imprisonment to the appellant for the offence punishable under Section 376 of the Indian Penal Code. The matter was thereafter taken in appeal to the High Court by the accused other than the appellant herein whereas the complainant (who was the prosecutrix) filed a criminal revision in the High Court seeking an enhancement of the sentence. The High Court, vide its judgment, enhanced the sentence of the appellants before from 8 years to life imprisonment for the offence punishable under Section 376 of the IPC.

Criminal appeal Nos. 256-257 of 2003 were thereafter filed in this Court and were disposed of by the following order on 21/2/2003:

-2-

"Delay condoned.

Leave granted.

We are not inclined to interfere with the conviction. However, it has been pointed out to us that the trial was conducted by the Assistant sessions Judge who could convict only for ten years. In that view of the matter, considering the proviso to Section 386 and Section 28 of the Criminal Procedure Code, we reduce the sentence to ten years. The appeals are allowed to this limited extent only."

The appellant herein is admittedly a co-accused. We therefore make an order in favour of the appellant in the above terms as well.

The appeals are disposed of accordingly.

.....J.  
(HARJIT SINGH BEDI)

.....J.  
(CHANDRAMAULI KR. PRASAD)

February 8, 2011.