

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1072 OF 2013

SADANANDAN

APPELLANT(S)

VERSUS

**THE CIRCLE INSPECTOR OF POLICE
AND ANOTHER**

RESPONDENT(S)

O R D E R

Assailing the judgment of conviction passed by the two courts, which is confirmed in Criminal Revision Petition No. 2164 of 2004 by the High Court of Kerala vide order dated 03.12.2012 convicting the appellants for the charges under Sections 279, 337, 338 and 304A of the Indian Penal Code, 1860 (hereinafter referred to as IPC for brevity) and directing to undergo the sentence of simple imprisonment for a period of six months under Section 279 IPC, six months for the offence under Section 338 IPC and one year under Section 304A IPC, the sentences to run concurrently, this appeal has been preferred by the appellant.

During hearing, learned senior counsel for the appellant has fairly taken the stand and submits that looking to the concurrent findings of three courts on conviction, this appeal may be considered only on the point of reducing the sentence, which for

these offences is not mandatory. It is informed that appellant has already served the sentence of 4 months 10 days. Thereafter, this Court vide order dated 29.07.2013 has granted bail. Learned counsel on instruction stated that the appellant is ready to compensate the family of the deceased and injured. It is contended that a sum of compensation of Rs. 1,00,000/- to the deceased family and Rs. 25,000/- each to the family of the injured persons may be paid in case the sentence is reduced.

Learned counsel representing the State submits that looking to the findings recorded by the three courts on conviction, interference is not warranted. However, with respect to sentence, it is the discretion of the Court, in particular the circumstances in which the sentence is not mandatorily required to be imposed. However, on reducing the sentence, this Court on its discretion may look into the same, subject to compensating the family of the victim.

We have heard learned counsel for the parties and considered the facts in which the accident had taken place in the year 1995 about 28 years back for which the appellant has already tested the jail life of more than 4 months. As per record, in the accident, one person has died and two persons PW-3

(Raman) and PW-4 (Balakrishnan) were grievously injured. As stated above, for the offences, sentence is not mandatory, therefore, in the peculiar facts of the case by compensating the family of the deceased and injured/victims, maintaining the finding of conviction, the sentence can be reduced to the period already undergone by appellant subject to deposit of Rs. 1,00,000/- to the family of the deceased and Rs. 25,000/- each to the injured persons. The said amount be deposited by the appellant within eight weeks from today in the trial court which shall be immediately remitted through bank in the account of the family of the deceased and injured with the assistance of District Legal Services Authority. In case of failure to deposit as above, the sentence as directed by the High Court shall revive and appellant shall undergo the sentence as directed.

In view of the above, the appeal is allowed in part to the extent indicated hereinabove and disposed of modifying the sentence.

....., **J.**
[J.K. MAHESHWARI]

....., **J.**
[SANJAY KAROL]

New Delhi;
March 13, 2024.

ITEM NO.103

COURT NO.10

SECTION II-B

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

Criminal Appeal No. 1072/2013

SADANANDAN

Appellant(s)

VERSUS

THE CIRCLE INSPECTOR OF POLICE AND ANR.

Respondent(s)

Date : 13-03-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s)

Mr. Raghenth Basant, Sr. Adv.
Mr. A. Karthik, AOR
Ms. Perna Acharya, Adv.
Ms. Kaushitaki Sharma, Adv.
Ms. Gunjan Rathore, Adv.
Ms. Smrithi Suresh, Adv.
Ms. Sreepriya K, Adv.

For Respondent(s)

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

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

The appeal is allowed in part and disposed of in terms of
the signed order.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]