

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1024 OF 2007
ALEX D'SOUZHA
VERSUS

... Appellant

STATE EXCISE INSPECTOR, KERALA

... Respondent

O R D E R

The appellant herein was caught carrying five litres of arrack which is a forbidden quantity under the Abkari Act in Kerala and amounts to an offence under Section 55(a) of the said Act. He was prosecuted for committing the aforesaid offence and was convicted by the Trial Court. He was sentenced to undergo Rigorous Imprisonment of three years and also to pay a fine of Rs. One lakh which is the minimum fine under the said provision. This conviction has been upheld by the High Court by the impugned judgment but it reduced the sentence to six months Rigorous Imprisonment maintaining the fine of Rs. One lakh.

Having regard to the fact that the matter is of the year 1998 and quantity of only five litres of arrack was seized, we are of the opinion that the sentence be reduced to the period already undergone, as we are informed that the appellant has already undergone two months of imprisonment. Insofar as the fine of Rs. One lakh is concerned, that is maintained.

1

Criminal Appeal No. 1024/ 2007

The appeal is disposed of in the aforesaid terms.

We make it clear that if the fine has not already been paid, the same shall be paid within two months failing which this appeal shall be treated as dismissed.

....., J.

[A.K. SIKRI]

....., J.

[ASHOK BHUSHAN]

New Delhi;

March 09, 2017.

2

Criminal Appeal No. 1024/ 2007

ITEM NO.108

COURT NO.8

SECTION IIB

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. 1024/2007

ALEX D'SOUZHA

Appellant(s)

VERSUS

STATE EXCISE INSPECTOR, KERALA

Respondent(s)

(With office report)

Date : 09/03/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s)

Mr. Siddhartha Dave, Adv.

Mr. Sajith P., Adv.

Ms. Jemtiben AO, Adv.

Mr. K. R. Nambiar, Adv.

For Respondent(s)

Mr. C. K. Sasi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

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

(Nidhi Ahuja)

(Mala Kumari Sharma)

Court Master

Court Master

[Signed order is placed on the file.]

