

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).2368/2006

(From the judgement and order dated 29/11/2005 in CRLRP No. 1338/2005
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOTILAL TULJANSA KALBURQI

Petitioner(s)

VERSUS

GANPATI SUBRAY HEGDE

Respondent(s)

(With office report)

Date: 23/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. R.S. Hegde, Adv.

Mr. Chandra Prakash, adv.

Mr. P.P. Singh,Adv.

For Respondent(s)

Mr. K.K. Mani,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRL.APPEAL NO. OF 2007

(Arising out of SLP(Crl.) No. 2368 OF 2006)

Motilal Tuljansa Kalburqi
ant

.... Appell

Versus

Ganpati Subray Hegde
ndent

.... Respo

O R D E R

We have heard counsel for the parties.

Leave granted.

Counsel for the appellant-accused states that the full amount, as directed by
the

High Court, has been paid. There was also a direction in the order of the High Court to th
e

effect that if the amount, as ordered by the Trial Court, was not paid within a period of
four

weeks, the appellant-accused shall undergo simple imprisonment for six months. According

to the learned counsel if the appellant had paid the amount within a period of four weeks,
as

directed by the High Court, he may not have had to undergo the sentence of imprisonment.

Counsel for the complainant-respondent has no objection to the sentence o
f imprisonment

being reduced or substituted by sentence of fine.

In the circumstances, we allow this appeal to the extent that the sentence of

imprisonment is set aside and instead the appellant is directed to pay a sum of Rs.25,000/-

(Rupees Twenty Five Thousand only) by way of fine, to be paid to the complainant-

respondent. The said fine shall be paid within a period of six weeks from today.

The appeal is allowed to the extent indicated above.

.....J.

(B.P. SINGH)

.....J.

(H.S. BEDI)

New Delhi, March 23, 2007