

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 179 OF 2014  
(Arising out of S.L.P.(CRL.)No.6748 of 2013)

BEERAN

APPELLANT

VERSUS

STATE OF KERALA

RESPONDENT

## O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in Criminal Revision Petition No.610 of 2004 (A), dated 19.09.2012. By the impugned judgment and order, the High Court, while confirming the conviction of the appellant, has modified the sentence awarded by the Trial Court from four years to 18 months and has further enhanced the fine to Rs.25,000/-.

3. Along with the appeal, the appellant has filed the affidavits of PW1 and PW2, who are supposed to be the injured persons. A request is made by the learned counsel appearing for the appellant that since the appellant has compromised with the injured persons, the offence may be compounded as envisaged under Section 320 of the Criminal Procedure Code, 1973.

4. Learned counsel appearing for the private respondent(s) i.e. PW1 and PW2, has no objection for the prayer made by the appellant. However, the learned counsel appearing for the State of Kerala submits that the appellant had no business whatsoever to waste the precious time of the courts below, therefore, he submits that the appellant should be mulcted with exemplary costs.

5. We have heard learned counsel for the parties to the lis.

6. Since the appellant and the injured persons have compounded the offence, in our opinion, the sentence awarded by the Trial Court requires to be set aside. Accordingly, we set aside the order of conviction and sentence passed by the Trial Court and confirmed by the High Court.

7. However, we are of the view that the learned counsel for the State is justified in submitting that the appellant had no business whatsoever to waste the precious time of the Trial Court, Sessions Court and the High Court. Accordingly, while imposing cost on the appellant, we now direct him to deposit a sum of Rs.5,00,000/- with Sree Chitra Home (a charitable institution), Pazhavangade, Thiruvananthapuram-695023 within four weeks' time from today, failing which the order passed by the High Court shall stand confirmed.

8. We clarify that, if, for any reason, the appellant fails to deposit the aforesaid amount, the concerned police authorities would take appropriate steps to arrest the appellant to serve out the remaining period of sentence. We further direct the police authorities to send an appropriate report in this regard before the Registry of this Court within six weeks' time from today.

