

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). 986 OF 2004

ANIL KUMAR Appellant (s)

VERSUS

STATE OF KERALA Respondent(s)

Date: 26/08/2010 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)
Mr. M.T. George,Adv.

For Respondent(s)
Mr. G. Prakash,Adv.

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

Appeal is disposed of.

(D.K. Gupta) (Indu Satija)
Sr. P.A. Court Master
(Singed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDCITION
CRIMINAL APPEAL NO.986 OF 2004

Anil Kumar Appellant (s)

VERSUS

State of Kerala Respondent(s)

O R D E R

This appeal has been filed against the impugned judgment and order dated 26th August, 2003 passed by the High Court of Kerala in Criminal Appeal No.1013 of 2002.

The facts have been set out in the impugned judgment and we are not repeating the same again.

Having heard learned counsel for the parties and having carefully perused the record, on the facts of the case, we are of the view that end of justice will be subserved if we alter the conviction and sentence of the appellant from Section 302 IPC to Section 304 Part II IPC and reduce the sentence from life imprisonment to five years simple imprisonment. We order accordingly.

However, conviction and sentence under Section 323 IPC as also fine and default clause shall remain intact. The

sentences of imprisonment will run concurrently.

By order dated 6.9.2004, the appellant was released on bail. His bail bonds shall stand cancelled and he be taken into custody forthwith to serve out the remaining portion of his sentence totaling to five years as awarded by us. If he has already served out the five years' sentence then his bail bounds shall stand discharged.

Appeal is disposed of in the above terms.

.....J.
(MARKANDEY KATJU)

New Delhi
August 26, 2010

.....J.
(T.S. THAKUR)