

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). 957 OF 2004

J.S. CHANDRASHEKAR

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for exemption from surrendering)

Date: 24/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. R.S. Hegde, Adv.  
Mr. Chandra Prakash, Adv.  
Mr. S.K. Jain, adv.  
Mr. Rakesh Chandra Sharma, Adv.  
Mr. P.P. Singh,Adv.

For Respondent(s)

Dr. Rajeev Sharma, Adv.  
Mr. V.N. Raghupathy, Adv.  
  
Mr. Sanjay R. Hegde,Adv. (NP)

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

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

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.957 OF2004

J.S. CHANDRASHEKAR

Appellant(s)

Versus

STATE OF KARNATAKA

Respondent(s)

O R D E R

The appellant herein was tried for the offence

punishable under the provisions of Karnataka Excise Act and sentenced to six months' rigorous imprisonment and a fine of Rs.1,000/-. The Appellate Court confirmed the same and the Revision Petition filed by the petitioner has been dismissed. Hence this appeal.

The case against the appellant was that 41 bottles of liquor of 180 ML each were allegedly stored by the appellant in his shop. He was indulging in the sale of liquor without any valid licence. All the Courts below concurrently found the appellant guilty for the offence punishable under the provisions of the Karnataka Excise Act.

In the circumstances, we are not inclined to interfere with the concurrent findings of the Courts below. We are left with no discretion even to reduce the sentence awarded by the Courts below since the sentence of six months' rigorous imprisonment is the minimum sentence.

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However, having regard to the facts and circumstances of the case, we consider it appropriate to direct the release of the appellant herein under the provisions of the Probation of Offenders Act, 1958.

An appropriate order in this regard shall be passed by the learned Civil Judge (Senior Division) and the Judicial Magistrate, 1st Class at Sagar in Criminal Case No.1 of 2000 for which purpose the appellant shall appear before that Court on 15th march, 2011. Failure to appear on the said date shall result in the dismissal of this appeal.

The appeal is accordingly, disposed of.

.....J.  
(B.SUDERSHAN REDDY)

.....J.  
(SURINDER SINGH NIJJAR)

New Delhi,  
February 24, 2011